



Air Pollution Control Board
Brian P. Bilbray District 1
Dianne Jacob District 2
Pamela Slater District 3
Leon L. Williams District 4
John MacDonald District 5

Air Pollution Control Officer
R. J. Sommerville

DATE: October 26, 1993
TO: Air Pollution Control Board
SUBJECT: Employer Trip Reduction Regulation XIII

SUMMARY:

The Federal Clean Air Act of 1990 requires an employer trip reduction regulation for employers of 100 or more employees at a worksite. A regulation was required to be submitted to the federal Environmental Protection Agency (EPA) by November 15, 1992, but was not adopted and submitted because a socioeconomic impact assessment required by state law had not been performed. The EPA notified the state and the District that if a complete regulation were not submitted by July 1994, mandatory federal sanctions would be imposed on San Diego. In order to meet the July deadline, the regulation must be submitted to the state Air Resources Board (ARB) by February 1994. The District also needs time after the regulation is adopted to package the regulation with all necessary supporting documentation. Therefore, the regulation must be adopted no later than early January.

A socioeconomic impact assessment has been performed and a proposed regulation is ready for Board consideration and adoption. The regulation would be effective July 1995. The delayed effective date is intended to allow time for a final EPA decision on the regulation and on the District request to reclassify this region from severe to serious. The regulation would not be needed under federal law if the region is reclassified.

By delaying the effective date, the program for the public and private sector would begin at the same time. This does not conform to previous Board direction to start the public sector program first. With a July 1995 effective date, the private sector program can not be delayed because, according to EPA, approvable employer trip reduction plans must be submitted and a majority of those plans approved no later than July 1996, two years after the regulation is submitted to EPA. There are approximately 1,100 worksites, and all sites must be surveyed to determine which ones are below the federal trip reduction target, and then plans must be developed and approved by the District or a delegated local agency. This process is resource intensive and can not be completed in less than a year.

The regulation could be made effective July 1994, before EPA's final decision on the regulation and, possibly, reclassification. In that case, state and local agencies could start the program one year earlier than the private sector; however, there are clear disadvantages to this option.

The proposed regulation would also establish a Hearing Board to hear appeals and grant variances during implementation of the regulation. After the reclassification issue is resolved and if the regulation is still needed, the District will return with a

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recommendation to appoint a Hearing Board. The current Hearing Board will continue to hear matters involving stationary sources.

Issue

Should the Board schedule a public hearing to consider adoption of Regulation XIII and related amendments?

Recommendation

AIR POLLUTION CONTROL OFFICER:

1. Set a date for a public hearing to consider the resolution adding Regulation XIII, Rule 1301 - Employer-based Trip Reduction Program; and amending related Rule 132 - Traffic Abatement Plan, and Rule 25 - Appeals in the San Diego County Air Pollution Control District Rules and Regulations.
2. Direct the Clerk of the Board to publish notice of the hearing on December 7, 1993, pursuant to Section 40725 of the State Health and Safety Code.
3. Following the hearing:
 - (i) Close the hearing and continue the decision to the first Board meeting in January. (This would allow maximum waiting time possible, before the regulation must be submitted in February, to see if the reclassification issue is resolved by EPA.)
 - (ii) If the reclassification issue is not resolved by the first Board meeting in January, adopt the resolution (Appendix I) after considering the socioeconomic impacts of the regulation and make the following findings:
 - (a) findings of necessity, authority, clarity, consistency, nonduplication, and reference as required by Section 40727 of the State Health and Safety Code;
 - (b) that the adoption of the regulation is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15300 and 15308, as an action taken to assure the maintenance or protection of the environment, and where there is no possibility of negative impacts on the environment; further, a trip reduction program was addressed in the Environmental Impact Report for the 1991 Revised Regional Air Quality Strategy adopted by the Board on June 30, 1992; and
 - (c) that the regulation as structured and with lower trip reduction targets minimizes adverse socioeconomic impacts.
 - (iii) Direct the Air Pollution Control Officer to submit the resolution and Regulation XIII to the state Air Resources Board and the federal EPA in February 1994.
 - (iv) Direct the Air Pollution Control Officer to return, after EPA approval of the regulation and if the Regulation is still needed after EPA action on the District's request to reclassify San Diego County from severe to serious, with

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a resolution establishing a Hearing Board for implementation of Regulation XIII.

- (v) Direct that implementation of Regulation XIII shall not be delegated to a local jurisdiction until (1) EPA approves the Regulation and makes a final decision on reclassifying the region from severe to serious, and (2) the local jurisdiction adopts an ordinance with requirements identical to Regulation XIII, and receives delegation from the Air Pollution Control Board to implement and enforce the regulation.

Advisory Statement

The Air Quality Strategy Committee has recommended that the program begin July 1995 for both the public and private sectors, and that the preapproved measures not be included in the regulation. That is also the staff recommendation.

The Committee also recommended that the District's public education program for trip reduction begin no later than July 1994 to facilitate trip reduction efforts by the public and employers.

Fiscal Impact

On September 28, 1993, the Board set aside vehicle registration funds necessary to implement Regulation XIII after EPA makes a final decision on this region's reclassification and approves the regulation.

Alternatives

1. Regarding Recommendation 3(ii):

- (a) Do not adopt the resolution adding Regulation XIII. This is not recommended because mandatory federal sanctions, withholding federal highway funds and severely restricting industrial growth, would be imposed if the Regulation is not adopted and submitted to EPA by July 1994. Both sanctions would be imposed by January 1995, and an employer trip reduction regulation for San Diego would have to be promulgated by EPA. These sanctions are mandated by statute (Federal Clean Air Act) and EPA does not have any discretion.

This regulation will not be required if the region is reclassified. Assuming that happens, however, the regulation is required and sanction provisions still apply until a final decision is made. The process is likely to include publication of a proposed decision followed by a public comment period and then publication of a final decision. At this point, it is prudent to anticipate this procedure will not be completed by the July deadline for submitting the regulation. Submitting a regulation allows EPA to complete procedural requirements while focusing on the reclassification. In this way a cooperative relationship can be maintained and the two issues are not connected. Not adopting the regulation is clearly a confrontational approach connecting the two issues and may force EPA to begin the sanction process while addressing the reclassification. Clearly this course of action is not in the best interest of the region. If the reclassification occurs before the July deadline, the District can simply withdraw the regulation.

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- (b) Adopt the alternative resolution in Appendix II providing employers the option to implement preapproved measures and avoid an estimated \$5,000 to \$10,000 cost of preparing a trip reduction plan. The recommendation (adopting Appendix I) would require that, by July 1996, each regulated employer below the federal trip reduction target develop and submit a trip reduction plan demonstrating how the target would be met by July 1998. Although the preapproved measures may not be viable for every employer, some may be able to use them and avoid the cost of trip reduction plans. This would also reduce the implementing agency's cost of \$400 per plan by avoiding plan reviews for employers implementing preapproved measures.

This alternative is not recommended because the preapproved measures are very costly; they are estimated at an average \$85 million annually, \$40 million funded by employers, and \$45 million from revenues to employers implementing a parking charge for employees driving alone. If employers do not implement a parking charge, the entire cost would be borne by employers. These analyses were based on meeting a higher average vehicle occupancy (AVR) target developed from 1990 census data. Since then, updated information permits a lower AVR target proposed in Regulation XIII. Accordingly, the cost associated with the preapproved measures would be lower, but still substantial, especially if employers do not implement a parking charge.

Parking charges are included in the preapproved measures in lieu of the economic differential approved by the Board in the Regional Air Quality Strategy because EPA required a demonstration that preapproved measures meet federal performance requirements. The analysis indicates that an economic differential would not meet the federal target for many employers. Based on the analysis, the preapproved measures have been revised to replace the economic differential with a specified parking charge.

Although preapproved measures are only an option and not mandatory, business is opposed to parking charges and concerned that including them in the regulation would be viewed as a policy supporting the high cost to reduce trips in this region.

- (c) Make the regulation effective July 1994 in order to affect the public sector in the first year followed by the private sector in 1995. The recommendation is to make the regulation effective July 1995. In February 1993, the Board directed that the program be structured so the public sector was affected first, followed by the private sector. To do that and meet the federal requirement that trip reduction plans be submitted within two years (July 1996) after the regulation is submitted to EPA (July 1994) and achieve the trip reduction target two years after the plan submittals (July 1998), public agencies could be required to start the program in July 1994 and the private sector along with federal agencies in July 1995. (Federal facilities are grouped with the private sector because federal law [Section 118 of the federal Clean Air Act] requires federal facilities be subject to the same requirements as non-governmental entities. EPA requires consistency with these provisions.) This alternative does not affect the schedule for the private sector which would begin the program in July 1995 under either option.

Appendix III and Appendix IV include versions of the regulation implementing this alternative with and without the preapproved measures, respectively.

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This alternative is consistent with previous Board direction, but is not being recommended at this time because the public sector would begin the program even if the area reclassification issue is not resolved by July, 1994, and also before an EPA final approval of the regulation. The EPA could require program changes altering the program already started by the public sector. Further, if the area is reclassified, this program would be replaced with a substantially different one meeting state requirements at some future time. These disadvantages are ameliorated somewhat because, in the first year, only basic actions would be required for the public sector, such as guaranteed ride home program for non-solo-drivers, bike racks, employee surveys and appointment of an Employer Transportation Coordinator who could be an existing employee.

2. **Recommendation 3(v):** Authorize delegation to local jurisdictions to implement trip reduction programs different from the District's regulation. This alternative is not recommended because it is not consistent with the Board's intent reflected in its approval of the Vehicle Registration Funding Allocation Plan on September 28, 1993. The Board directed that any allocation to local jurisdictions to implement a trip reduction program shall be contingent upon the local jurisdiction adopting an ordinance with requirements identical to the District's program.

Although state law allows for program delegation to local jurisdictions if local programs are at least as stringent as the District's, delegation to local jurisdictions to implement trip reduction programs different from the District's is not recommended because that would likely subject employers to numerous different programs throughout the region, adding a regulatory burden and confusion. Further, it would likely cause additional costs and delay program delegation as it would require a comparison of each proposed program with the District's regulation. A consistency determination may also involve the state Air Resources Board and federal EPA, further delaying delegation.

BACKGROUND:

In 1988, the California Clean Air Act was enacted prescribing requirements for areas not meeting the state ambient air quality standards. In 1990, the Federal Clean Air Act was amended setting forth requirements for areas not meeting national ambient air quality standards. One common requirement in both Acts was to reduce vehicle trips during commute hours in areas classified as severe for ozone (smog). At that time, the San Diego region was classified severe under both Acts.

In June 1992, the Air Pollution Control Board adopted the Revised Regional Air Quality Strategy, as required by the California Clean Air Act, which was approved by the state ARB in November 1992. The Strategy included a trip reduction program, although an implementing regulation had not been adopted. The program was designed to meet state requirements and affect employers with 60 or more employees.

In 1992, the California Clean Air Act was amended effective January 1993 to allow flexibility in trip reduction programs and requires the ARB to issue new guidelines regarding flexible provisions. The ARB staff issued draft guidelines earlier this year, but final guidelines have not been completed. In the meantime, new legislation has been passed in 1993 affecting trip reduction program requirements. For example, regulating employers with less than 100 employees is prohibited until 1997 by SB 883 (Leslie).

The proposed Regulation XIII is designed to satisfy only federal requirements. Federal law requires employers of 100 or more employees in a federally classified severe area to

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increase vehicle occupancy of their employee commute trips twenty-five percent above the regional vehicle occupancy for those trips [Section 182(d)(1)(B)]. This requirement does not apply to areas with a classification lower than severe. Recently, the ARB reclassified the San Diego region from severe to serious under state law. The District and ARB have also requested that EPA reclassify the region as serious under federal law. If the region is reclassified to serious under federal law, Regulation XIII as proposed would not be needed under federal law. However, a more flexible trip reduction program would still be required under state law. After guidelines implementing provisions for flexibility and reflecting new legislation are issued by ARB, a program would be developed and proposed.

Pending EPA action on the District's reclassification request, a trip reduction regulation must be submitted to EPA to avoid mandatory sanctions on this region. However, it is recommended that implementing the regulation not begin until EPA makes a final decision on reclassification. It is also recommended that if the region is not reclassified, program implementation not begin until the regulation is approved by the EPA. That would avoid unnecessary program costs in the event changes are required based on EPA review of the Regulation. The business community favors deferring implementation contingent upon EPA actions. To allow time for EPA action on the regulation and reclassification request, it is recommended that the rule be effective July 1995.

MAJOR ISSUES

Preapproved Measures

The recommendation (Appendix I) would require each regulated employer below the federal trip reduction target to develop and submit a trip reduction plan. The alternative (Appendix II) provides employers with an option to implement preapproved measures and avoid a \$5,000 to \$10,000 cost to prepare a trip reduction plan. It also reduces an implementing agency's estimated cost of \$400 per plan by avoiding plan reviews for employers implementing preapproved measures. Although the measures may not be viable for every employer, some may be able to use them.

This alternative is not recommended because the preapproved measures are very costly; costs for such measures are estimated at an average \$85 million annually, \$40 million of that funded by employers, and \$45 million from revenues to employers implementing a parking charge for employees driving alone. If employers do not implement a parking charge, that revenue is forgone and, in addition, more costs will be incurred (carpool, vanpool and transit incentives) to achieve the trip reductions that would have occurred through parking charges. As a result, the annual employer cost would increase from \$40 million to \$106 million. These analyses are based on meeting an average vehicle ridership (AVR) target reflected in the Regional Air Quality Strategy. More recent data supports a lower AVR target as proposed in Regulation XIII. Accordingly, the cost associated with the preapproved measures would be somewhat lower, but still substantial, especially if employers do not implement a parking charge to offset costs.

The preapproved measures included in the alternative Appendix II are different from those in the Revised Regional Air Quality Strategy. The key difference is the economic differential where employers could decide whether to charge employees driving alone for parking, or instead provide monetary incentives to ridesharers equal to the cost of free or subsidized parking for employees driving alone.

EPA requires trip reduction plans, and a demonstration that any preapproved measures meet the federal trip reduction target. If not, individual employer trip reduction plans must be required. Accordingly, the District contracted with JHK & Associates to determine if the measures would achieve the target. The analysis indicates the economic differential would

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not meet federal requirements, and to do so, a parking charge for drive-alones is required. The analysis also indicates that some less costly measures, such as a compressed work week, either alone or in combination with telecommuting or transit and rideshare subsidies, could achieve the target for some employers who can effectively implement these measures.

As a result, the preapproved measures have been revised to replace the economic differential with a specified parking charge. A compressed work week and telecommuting have also been added.

The District can not mandate a parking charge according to an opinion of the state Attorney General. Therefore, preapproved measures are not mandatory, but only an option to employers who may not want to develop their own trip reduction plans. However, the business community is still opposed to any preapproved measures that reference parking charges. Including these measures in the regulation would be viewed as a policy supporting the high cost to reduce trips in this region.

Business prefers the recommendation (Appendix I) requiring each employer to develop and submit a trip reduction plan. To facilitate developing these plans at least cost, businesses have recommended a contract with a transportation consultant to develop prototype trip reduction plans for different types of businesses to suit their business characteristics and needs, and that the prototype plans be included in a guidance document available to employers. The Board has approved funding for this contract as part of the Fiscal Year 1993-94 vehicle registration funding allocation plan.

Area Reclassification

As discussed previously, Regulation XIII would not be needed under the federal Clean Air Act if the region were reclassified as a serious area by EPA. The business community has suggested that Regulation XIII be held back as long as possible pending a decision on reclassification. As mentioned before, the regulation must be submitted to the Air Resources Board no later than February 1994 in order to ensure submittal to EPA by the July 1994 deadline. The District also needs some time, after the regulation is adopted, to package the regulation with all necessary supporting documentation for submittal to the ARB and EPA. To provide that time, the regulation must be adopted by early January.

Socioeconomic Impact Assessment

The socioeconomic impact assessment performed by a District consultant, Regional Economic Models, Inc. (REMI), estimates employer costs to implement Regulation XIII at \$85 million annually averaged through the year 2010. However, \$45 million of that would be offset by parking charges on solo drivers. These cost estimates assume that preapproved measures would be needed to meet the trip reduction target. At these costs, the trip reduction program is the most costly and least cost-effective transportation control measure. 1.4 tons a day of smog causing emissions would be reduced, or one-third of one percent of total smog causing emissions in this region. It would cost employers \$40 to reduce one pound of smog causing emissions. The cost would more than double if employers did not implement a parking charge to offset costs. This cost is higher than all other transportation control measures in the Strategy; the two most costly are the park and ride lots and high occupancy vehicle lanes at \$36 per pound and \$42 per pound respectively. It is also more expensive than all the stationary source air quality measures, with the exception of solar water heaters which are estimated to cost between \$44 and \$146 per pound of smog emissions reduced.

At the public workshop a concern was expressed that the REMI econometric model underestimates the employment impact of regulatory costs because those costs are spread

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over an entire industry segment, thus understating the true impact on affected employers within that segment. The REMI model evaluates impacts on the regional economy and employment as required by state law. Analysis of individual companies is not the intent of the legislation. However, according to REMI, the model adjusts for true cost to regulated employers although the cost is spread over regional industries to assess regional impacts.

Another concern expressed by business was that the REMI evaluation does not take into account all the environmental and other regulatory impacts imposed on business, understating the impact of all regulations on business. Such analysis is beyond the legislative mandate requiring air districts to evaluate only the impacts of their proposed regulations.

Finally, a comment was made at the workshop that REMI did not use SANDAG's local projections to conduct the socioeconomic analysis. REMI develops their own growth projections based on historical data from the federal Bureau of Labor Statistics, Bureau of Economic Analysis, and Census Bureau. Additionally, forecasts from the Bureau of Economic Analysis are used. Model performance is based on San Diego's economy relative to the rest of the state and the country, and the forecasts are internally consistent with state and federal data. Model results are obtained by running a baseline forecast, changing input variables to reflect the proposed regulation's cost and other impacts, then rerunning the forecast. The impact of the proposed regulation is derived by subtracting the baseline forecast from the regulatory forecast. Because it is a comparative analysis, the baseline has little influence on the results compared to the importance of the assumptions used to produce the regulatory forecast. However, results may be skewed if the baseline used is not consistent with state and nationwide data, which could occur if SANDAG forecasts were used.

REGULATION XIII

Since adoption of the Revised Regional Air Quality Strategy, the EPA has issued guidelines for the federally required trip reduction program. The proposed Regulation reflects program revisions consistent with the guidelines and discussions with the EPA and the ARB to ensure compliance with federal requirements. Public workshops have been held, and the key technical changes made to the program follow.

1. Federal facilities are subject to the same implementation schedule as businesses in accordance with the federal Clean Air Act, which states that federal facilities shall be subject to the same requirements as non-governmental agencies [Section 118(a)(2)]. EPA requires consistency with these requirements.
2. The trip reduction AVR targets have been substantially lowered. The final targets are much lower than in the Strategy adopted in 1992 which established targets of 1.9 for Downtown San Diego, and 1.75 for incorporated and unincorporated areas. The new proposed targets are 1.5 for Downtown, 1.41 for incorporated areas and 1.3 for the unincorporated area. Although the federal target is 1.41, a higher target of 1.5 is proposed for Downtown San Diego based on the framework in the Strategy that recognizes easier access to transit in the Downtown area, making it relatively easier to achieve the targets. The target for the unincorporated area, where trip reductions are relatively harder to achieve, has been lowered to 1.3. These proposed targets would achieve an overall weighted AVR of 1.41 for all employers of 100 or more employees. The EPA is receptive to this approach in lieu of subjecting each employer to the 1.41 target.
3. Each employer below the applicable target would be required to submit a trip reduction plan by July 1996 demonstrating how the target would be achieved by July

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1998. Annual intermediate targets are no longer specified, only the final target is. Only one trip reduction plan submittal would be required in Fiscal Year 95-96, rather than annual plans as envisioned in the Strategy. This would considerably reduce employer cost of plan preparations. Annual employee surveys would still be required to monitor plan implementation and progress toward meeting the target.

4. The employee definition has been revised, consistent with the recent EPA Guidance, to include only those employees on an employer's payroll who work 80 or more hours per 28-day period and at least 30 days per year. Temporary employees who substitute for absentee permanent employees are not included in the program under the revised employee definition. Students who work in colleges and universities that meet the employee threshold will be considered employees.

The employee definition does not implement the Board direction given when the Strategy was adopted. The Board directed that a full time equivalent definition be used so a part time employee would not be counted as a full employee in determining an employer's labor force and eligibility under the program (i.e., whether an employer has more than 100 employees). In the EPA's opinion, this approach is less stringent and unacceptable because it would exempt some employers who would not be exempt under the EPA criteria.

5. Employers with fewer than 33 employees reporting to the worksite during the Principal Travel Period, 6:00 a.m. to 10:00 a.m. Monday through Friday, would be exempt, consistent with the Environmental Protection Agency Guidance. There was no such exemption in the Strategy.
6. Employees of general contractors and their subcontractors engaged in construction at an existing worksite would not be included in the employee count for the employer at the worksite, so that the employer is not responsible for contract employees. General contractors would be considered as separate employers at the worksite, and employees of the subcontractors would be considered as employees of the general contractor for the purpose of the employer trip reduction program. The Strategy included contract employees in the employee count for the employer at the site.
7. The carpool definition has been revised to include a child being dropped off at a child care facility within one-half mile of the worksite. Carpool credits for other child care facilities or schools are not acceptable to the Environmental Protection Agency. The Strategy did not include this credit.
8. According to the EPA, the statutory language of the federal Clean Air Act does not allow alternative strategies to achieve emissions reductions equivalent to those from required trip reductions for employers with 100 or more employees. Alternative strategies are authorized in the 1992 amendments to the California Clean Air Act. Provisions for alternative strategies would be provided only in forthcoming programs designed to satisfy state trip reduction requirements. Alternative strategies were not authorized in the Strategy because the legislation authorizing alternative strategies was passed after the Strategy was adopted.
9. The Air Pollution Control Board, in adopting the Regional Strategy, directed that low emission vehicle credit be provided in the trip reduction program. Although EPA allows credit for vehicles that are lower emitting than those generally purchased in the area, the California ARB does not allow trip reduction credit for new vehicles sold as clean fuel vehicles because emission reduction credits for such new vehicles have either been accounted for in the air quality plans or are the property of the vehicle manufacturers under State regulations. Current trip reduction programs in the Bay

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Area and the South Coast Air Quality Management Districts allow credits for low emission vehicles. However, the ARB has asked the Bay Area to remove the credits by the end of 1993. In the South Coast, credits can be given by December 1994, but those credits expire in 1997. The ARB allowed this limited flexibility in the South Coast because some credits had already been given to employers under the South Coast program which was adopted a number of years ago. But now those credits expire in 1997. No new credits can be given after December 1994. The recommended Regulation XIII is not effective until July 1995, after the December 1994 credit deadline allowed in the South Coast. Therefore, credits for new cleaner vehicles are not available under the proposed Regulation XIII.

Consequently, only vehicles converted to clean fuel technologies after their purchase will be eligible for credits under the employer trip reduction program, subject to California ARB conversion certification and EPA concurrence with the certification requirements. In reality, credits from converted vehicles may not be certified in the near future due to ARB concerns with durability of the current conversion kits.

10. An institutional structure has been added to provide for program implementation by local jurisdictions, subject to program delegation by the Board. Each city, county, or two or more jurisdictions under a Joint Powers Authority, could implement the program. The delegated program will be subject to District audit. The institutional structure was developed in consultation with the City/County Managers Association. The Strategy envisioned program delegation to local jurisdictions, but a specific institutional structure was not included.

The San Diego Chamber of Commerce has expressed concerns with the committee structures included in the institutional structure. A meeting is being scheduled between the Chamber and city representatives. Any proposed amendments resulting from the meeting will be submitted to the Board by the Chamber prior to the public hearing.

11. Employers subject to Regulation XIII would be exempt from the District's current Traffic Abatement Plan requirements. Those requirements are intended to reduce trips to reduce motor vehicle emissions during smog alerts. Since Regulation XIII would reduce trips on a daily basis, including times of smog alert, there is no need to subject employers to duplicative Traffic Abatement Plan requirements. The Strategy did not address this exemption.
12. A sunset clause has been added to Regulation XIII and the adopting resolution to automatically rescind the regulation if the regulation is disapproved by EPA or the region is reclassified to serious by EPA.

SOCIOECONOMIC IMPACTS

Pursuant to a contract approved by the Board to satisfy legislative requirements, Regional Economic Models, Inc. (REMI) has evaluated the impact on the regional economy and employment of proposed Regulation XIII designed to meet a regional AVR of 1.5 for worksites with 100 or more employees. Since the evaluation, a lower target is being proposed as discussed previously. Therefore, the impacts would not be as adverse.

The evaluation is based on cost data derived by REMI subcontractors in consultation with the District. REMI's evaluation has been combined with other information required for a socioeconomic impact analysis. Following are the conclusions. Detailed information is included in the Executive Summary.

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Emission Reductions

By 2000, smog causing emissions would be reduced by 2.0 tons per day with a 1.5 trip reduction target. With the proposed lower trip reduction target, 1.4 tons a day would be reduced.

Costs

Subsidies and incentives to employees and employer administrative costs are estimated by REMI at \$85 million annually, \$40 million of that funded by employers, and \$45 million from revenues to employers implementing a parking charge. Employer costs peak at about \$45 million in FY 1999 when region's employees receive about \$59.9 million in subsidies and pay \$20.5 million in parking charges, for a net employer cost of \$39.4 million. Adding employer administrative and guaranteed ride home program costs of about \$5.6 million brings the total regional costs to about \$45 million. Employer costs decline slightly to about \$34 million in 2002 as parking charges reach full implementation of \$100 per month, increasing thereafter as total employment increases, to about \$44 million in 2010. Because the regulation applies to employers with 100 or more employees, there are no direct small business costs. At these employer costs, the program is the most costly and least cost-effective transportation control measure. It would cost employers \$40 to reduce one pound of smog causing emissions. The cost would more than double if employers did not implement a parking charge to offset costs. This cost is higher than all other transportation control measures in the Strategy; the two most costly are the park and ride lots and high occupancy vehicle lanes at \$36 per pound and \$42 per pound respectively. It is also more expensive than all the stationary source air quality measures, with the exception of solar water heaters which are estimated to cost between \$44 and \$146 per pound of smog emissions reduced.

With the proposed lower trip reduction target, employer costs are expected to be reduced by about \$15 million annually. The program cost-effectiveness would improve somewhat to \$25 per pound of emissions reduced. Again this would double, if no parking charges were implemented.

Employment

Employment growth is projected to be 325,000 additional jobs from 1994 through 2010, with total projected employment of 1.75 million jobs. The regulation will reduce the employment growth by 2,103 jobs in both public and private sectors, a decline of 0.12% in total projected employment and 0.67% in employment growth. Of the reduction in job growth 856 jobs will be from small business (<100 employees) as a result of indirect impacts, reducing small business employment by 0.09%.

Gross Regional Product

The increase in the County gross regional product is projected to be \$18.9 billion through 2010, with a total projected gross regional product of \$78.5 billion in 2010. The regulation will reduce that growth by \$79.4 million, a decline of 0.10%.

Population

Population growth is projected to be 526,000 from 1994 through 2010, with total projected 2010 population of 3.20 million. The regulation will reduce that by 6,321, a population decline of 0.20%.

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In summary, employers incur additional costs by offering employees incentives for using alternatives to the single occupant commute vehicle. These additional costs to business and government will reduce projected job growth in San Diego by 0.67% in 2010. Gross regional product is reduced by 0.10% in the same year as consumers buy fewer goods and services because employer costs have increased the cost of some goods and services causing lower consumer purchasing power. Population will also be reduced by 0.20% as some people will not consider San Diego when contemplating relocation because of reduced employment opportunities caused by the reduction in job growth.

The proposed rules analyzed by REMI have been revised based on new data. These changes reduce the adverse socioeconomic impacts associated with Regulation XIII. Employer costs are expected to be reduced by about \$15 million annually due to lower vehicle ridership targets for all employers. Also, removing the economic differential subsidy and providing alternatives such as compressed work weeks and telecommuting may help some employers further reduce regulatory costs. Cost savings would also be realized as program implementation is being deferred until July 1995 to allow time for resolving the reclassification issue.

Finally, the California Environmental Quality Act requires an environmental review for certain actions. An employment-based trip reduction program was addressed in the Environmental Impact Report (dated April 1992) for the 1991 Revised Regional Air Quality Strategy adopted by the Board on June 30, 1992. Further, because there is no possibility of negative impacts on the environment as a result of adoption of the proposed rule, the adoption of the proposed rule is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15300 and 15308, as a regulatory action taken to assure the maintenance or protection of the environment where the regulatory process involves procedures for protection of the environment.

Concurrence:

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer



R. J. SOMMERVILLE
Air Pollution Control Officer

**AIR POLLUTION CONTROL BOARD
AGENDA ITEM
INFORMATION SHEET**

SUBJECT: Employer Trip Reduction Regulation XIII

SUPV DIST.: All

COUNTY COUNSEL APPROVAL: Form and Legality ☒ Yes ☐ N/A
☐ Standard Form ☐ Ordinance ☐ Resolution

AUDITOR APPROVAL: ☒ N/A ☐ Yes **4 VOTES:** ☐ Yes ☒ No

FINANCIAL MANAGEMENT REVIEW: ☐ Yes ☒ No

CONTRACT REVIEW PANEL: ☐ Approved _____ ☒ N/A

CONTRACT NUMBER(S):

PREVIOUS RELEVANT BOARD ACTION: June 30, 1992 - Adopted Revised Regional Air Quality Strategy

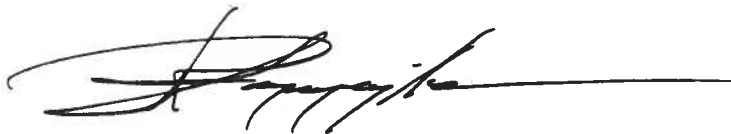
BOARD POLICIES APPLICABLE: None

CITIZEN COMMITTEE STATEMENT: Yes

CONCURRENCES: N/A

ORIGINATING DEPARTMENT: Air Pollution Control District

CONTACT PERSON: R. J. Sommerville, Air Pollution Control Officer (S50) 694-3303 MS: 0-176



R. J. SOMMERVILLE, APCO
DEPARTMENT AUTHORIZED REPRESENTATIVE

OCTOBER 26, 1993
MEETING DATE

FINDINGS OF THE SAN DIEGO COUNTY AIR POLLUTION
CONTROL BOARD IN RESPECT TO THE ADOPTION OF
NEW RULE 1301 (TRIP REDUCTION PROGRAM FOR EMPLOYERS WITH
100 OR MORE EMPLOYEES) AND AMENDMENTS TO RULES 25 AND 132

- A. Pursuant to section 40727 of the California Health and Safety Code, the Air Pollution Control Board of the San Diego County Air Pollution Control District makes the following findings:
1. (Necessity) The adoption of the proposed new District Rule 1301 and the proposed amendments to District Rules 25 and 132 is necessary to satisfy the requirements of section 182(d) of the federal Clean Air Act and avoid the mandatory federal sanctions stated in section 179 of that Act.
 2. (Authority) The adoption of the proposed new rule and rule amendments is authorized by Health and Safety Code sections 40001, 40702 and 40717.
 3. (Clarity) The proposed new rule and rule amendments are written so that their meaning can be easily understood by persons directly affected by the rule.
 4. (Consistency) The proposed new rule and rule amendments are in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and State law and Federal regulations.
 5. (Nonduplication) The proposed new rule and rule amendments do not impose the same requirements as an existing state or federal regulation.
 6. (Reference) The adoption of the proposed new rule and rule amendments is made in accordance with California Health and Safety Code section 40717, and 42 U.S.C. section 182(d).
- B. The Air Pollution Control Board has actively considered the socioeconomic impacts which will result from the adoption of the proposed new rule (as discussed in the "Socioeconomic Impact Analysis" prepared by Regional Economic Models, Inc. and dated October 14, 1993, with newer data discussed in the "Socioeconomic Impact Analysis Executive Summary" dated October 14, 1993), and has made every effort to avoid and minimize adverse socioeconomic impacts within the context of a rule which will satisfy the requirements of section 182(d) of the federal Clean Air Act.
- C. The Air Pollution Control Board further finds that the adoption of the proposed new rule was addressed in the Environmental Impact Report for the 1991 Revised Regional Air Quality Strategy adopted June 30, 1992. Further, the Air Pollution Control Board finds that there is no possibility of a significant adverse effect on the environment as a result of the adoption of the proposed new rule and rule amendments, and the adoption of the new rule and rule amendments is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, sections 15300 and 15308, as an action taken to assure the protection of the environment which will not have a significant effect on the environment and where the regulatory process involves procedures for protection of the environment.
- D. The Air Pollution Control Board further finds in accordance with Health and Safety Code section 40001 that the adoption of the proposed new rule and rule amendments is necessary to satisfy federal law and to avoid the mandatory sanctions in 42 U.S.C. section 179, and that the new rule and rule amendments will promote the attainment of state and federal ambient air quality standards.

APCB Meeting 1/18/94
Agenda Item #3

Clerk of the Board of Supervisors

Exhibit No. _____ Agenda No. APCD 3

Meeting Date 1-18-94 ()

Presented by _____

Document No. 75B462

THOMAS J. PASTUSZKA

Re Rules and Regulations of the
Air Pollution Control District)
of San Diego County)

TUESDAY, JANUARY 18, 1994

**RESOLUTION ADDING REGULATION XIII AND RULE 1301,
AMENDING RULE 25 OF REGULATION II,
AND RULE 132 OF REGULATION VIII
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Williams, seconded by Member Bilbray
the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control District (District) has been classified a "severe" area by the federal Environmental Protection Agency (EPA) under the federal Clean Air Act regarding the national air quality standards for smog (measured as ground-level ambient ozone); and

WHEREAS, the federal Clean Air Act requires an Employer Trip Reduction regulation for employers with 100 or more employees at a worksite in "severe" areas; and

WHEREAS, the District is classified a "serious" area for ozone by the State Air Resources Board (ARB) under the California Clean Air Act, and the District and ARB have requested that EPA reclassify the District as a "serious" area for ozone under the federal Clean Air Act; and

WHEREAS, an Employer Trip Reduction regulation is not required in "serious" areas under the federal Clean Air Act, although a program is required under the California Clean Air Act; and

WHEREAS, the ARB is in the process of revising guidelines to implement a flexible trip reduction program mandated by recent State legislation; and

WHEREAS, a flexible program under state law will be developed in accordance with the final ARB guidelines; and

WHEREAS, an Employer Trip Reduction regulation is required to be submitted to the EPA by July 15, 1994 to avoid mandatory federal sanctions in the District; and

WHEREAS, pending EPA final decision on the reclassification request, an Employer Trip Reduction regulation must be submitted to EPA to avoid mandatory federal sanctions after July 15, 1994; and

WHEREAS, in order to meet the July submittal deadline, the Employer Trip Reduction regulation must be submitted to the ARB by February 1994; and

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as stated below;

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is directed to transmit this resolution and Regulation XIII to the ARB and EPA;

BE IT FURTHER RESOLVED that Regulation XIII is automatically rescinded if the District is reclassified as "serious" under the federal law, or the Regulation is disapproved by the EPA;

BE IT FURTHER RESOLVED that the Board requests EPA to expedite and finalize its decision on reclassification prior to the Regulation XIII effective date;

BE IT FURTHER RESOLVED that if Regulation XIII is rescinded due to District's reclassification under the federal law, the Air Pollution Control Officer is directed to return with a flexible Employer Trip Reduction regulation under state law after ARB has issued final trip reduction guidelines;

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is directed to report to the Board triennially, beginning three years after Rule 1301 becomes effective, on the costs of implementing Rule 1301, the emission reductions achieved, the cost-effectiveness of the employer trip reduction program in comparison to other transportation control measures.

1. Proposed new Rule 1301 is to read as follows:

REGULATION XIII. TRIP REDUCTION

RULE 1301. TRIP-REDUCTION PROGRAM FOR EMPLOYERS WITH 100 OR MORE EMPLOYEES

(a) APPLICABILITY

- (1) This rule applies to all employers with 100 or more employees at a worksite within San Diego County.
- (2) The applicable employee population includes all employees reporting to the worksite, all employees reporting directly from home to a location other than the worksite, all employees who are telecommuting, and all employees reporting to a satellite worksite.
- (3) The employer-size determination considers the average number of employees based on the employer's payroll periods during the year prior to notification that an AVR Report is due.

(b) EXEMPTIONS

- (1) Construction job sites with a construction schedule of less than one-year shall be exempt from the requirements of this Rule.

(2) The following classes of individuals shall not be included in the employer size determination or employer Average Vehicle Ridership (AVR) calculation.

- (i) Volunteers,
- (ii) Disabled persons who must drive a specially equipped vehicle designed to accommodate their disability,
- (iii) Real estate agents,
- (iv) Taxi drivers who lease their vehicles,
- (v) Temporary employees substituting for absentee permanent employees, and
- (vi) Persons not on the employer's payroll.

(3) Employers with fewer than 33 employees reporting to the worksite during the Principal Travel Period shall be exempt from the requirements of this Rule.

(c) DEFINITIONS

(1) **"Alternative Commute Modes"** means bicycling, buspool, carpool, compressed work schedule, telecommuting, transit, vanpool, and walking, but excludes driving alone.

(2) **"Alternative Work Hour Programs"** means any method for adjusting the starting and ending times of an employee's work day to facilitate the use of alternative commute modes or otherwise reduce motor vehicle trips during the Principal Travel Period. Such programs may include, but are not limited to compressed work schedules and flextime.

(3) **"Average Vehicle Ridership" or "AVR"** means the number of employees reporting to a worksite during the Principal Travel Period (between 6 a.m. and 10 a.m. Monday through Friday) in the Survey Week divided by the number of vehicles used by those employees to commute to the worksite, as calculated in Subsection (d)(1)(i).

(4) **"Average AVR"** for a Collective AVR Report or a Consolidated AVR Report means the average of the AVRs for multiple worksites weighted by the number of employees at each worksite arriving during the Principal Travel Period.

(5) **"AVR Report"** means an annual report filed by an employer which shows the number of employees reporting to the worksite, the number of completed employee surveys, employee arrival times and modes used in commuting to the worksite and the employer's calculation of its annual AVR.

(6) **"AVR Target"** means the Average Vehicle Ridership performance standards established in Subsection (d)(1).

(7) **"Bicycling"** means commuting by bicycle.

(8) **"Buspool"** means a bus service with limited pickups and destination stops, guaranteed seats and advance ticket purchase. Buspools are sometimes administered by the employer or the riders themselves.

(9) **"Carpool"** means a motor vehicle occupied by an employee and at least one other person of driving age and/or one or more children being dropped off at a child care

facility at or within one-half mile of the worksite, commuting together on a regular basis (at least weekly).

(10) **"Centre City Planning Area" or "CCPA"** means the downtown San Diego area bordered on the north and east by Interstate Route 5, on the north by Laurel Street, on the west and south by San Diego Bay, and on the southeast by Commercial Street from Interstate Route 5 west to Sixteenth Street, then southwest along Sixteenth Street to Newton, then southeast along Newton Avenue to Bigsby Street, then southwest along Bigsby Street to Harbor Drive, then southeast along Harbor Drive to Beardsley Street, and southwest in line with Beardsley Street to San Diego Bay.

(11) **"Clean Alternative Fuel"** means electricity, compressed natural gas (CNG), propane, methanol, or ethanol.

(12) **"Collective AVR Report"** means an AVR Report filed by a Transportation Management Association (TMA) representing multiple employers and worksites.

(13) **"Commute Trip"** means a home-to-work trip with either the origin or destination within the boundaries of San Diego County, made regularly in connection with employment. Commute trips shall include home-to-other-to-work trip combinations, where "other" refers to such intermediate destinations as day care, bank, gas station, or store.

(14) **"Commute Mode"** means the travel mode which the employee uses for the longest distance portion of a commute trip.

(15) **"Commuter Computer"** is San Diego's regional ridesharing agency operated by CALTRANS and SANDAG.

(16) **"Compressed Work Week Schedules"** means work schedules that compress the traditional 5-day/40-hour weekly work period into fewer than five days by adopting a longer work day such as three 12-hour work days and two weekdays off per week (3/36), four 10-hour work days and one weekday off per week (4/40), and eight 9-hour work days, one 8-hour work day and one weekday off every two weeks (9/80).

(17) **"Consolidated AVR Report"** means an AVR Report filed by an employer for more than one worksite.

(18) **"Employee"** means any person on an employer's payroll, including full-time and part-time employees, temporary employees not substituting for absentee permanent employees, the owner of a business, and students employed by an educational institution, who either reports or is primarily assigned to a worksite 80 or more hours per 28-day period, and works at least 30 days in a year, excluding volunteers. Subcontractors meeting these thresholds are considered the employees of the General Contractor for the purposes of this Rule.

(19) **"Employee-Days (ED)"** means the sum for all employees of the number of days per week each employee is scheduled to report to the worksite during the Principal Travel Period.

(20) **"Employee Transportation Coordinator" or "ETC"** means a person designated by an employer to act as a worksite liaison between the implementing agencies and the employer, and between the employer and its employees.

(45) "Worksite" means a land area, building, or group of buildings or portions thereof which are in actual physical contact or separated solely by a single public or private roadway or other public or private right-of-way, or a ship in port for at least 30 consecutive days, or other structure, where employees work, under the ownership or control of a single employer or employers under common control. Worksite shall include construction sites with a construction schedule of at least one year.

(d) **STANDARDS AND REQUIREMENTS**

(1) **PERFORMANCE STANDARDS**

Each employer shall achieve during the 6:00 a.m. to 10:00 a.m. Principal Travel Period (PTP) the applicable Average Vehicle Ridership (AVR) Target listed below.

Minimum Average Vehicle Ridership (AVR) Targets

Target-Area	AVR Target
Target-Area A	1.50
Target-Area B	1.41
Target-Area C	1.30

Target-Area A= Employers within the San Diego Centre City Planning Area
Target-Area B= Employers within an incorporated city in the County, but outside Target-Area A
Target-Area C= Employers within the unincorporated area of the County

(i) **AVR Calculation**

(A) Average Vehicle Ridership (AVR) is the ratio of the number of employees totaled over a typical five-day (Monday through Friday) period that report to the worksite between 6 a.m. and 10 a.m. to the number of vehicles used by those employees to arrive at the worksite during the PTP for that same five-day period. To account for alternative work schedules (telecommuting, compressed work week, etc.) and various travel modes, the calculation of AVR utilizes Employee-Days and Vehicle-Equivalent Days. Therefore, AVR is calculated by dividing Employee-Days by Vehicle-Equivalent Days. Employee-days and Vehicle-Equivalent Days are derived below.

(B) Employee-Days: Each weekday of a typical one-week period that an employee is scheduled to report to the worksite or associated satellite worksite during the PTP counts as one Employee-Day, including each weekday that an employee telecommutes or has a scheduled weekday off as part of a compressed work schedule. For example, a full-time employee who typically reports to the worksite on weekdays during the PTP counts as five Employee-Days, even if that employee telecommutes or has a scheduled weekday off as part of a compressed work week or reports to a satellite worksite. For part-time employees, one Employee-Day is counted for each weekday of the one-week period that a part-time employee is scheduled to report to the worksite during the PTP. The following procedures are used to total Employee-Days.

(1) Employees telecommuting and therefore not at the worksite, or off due to compressed work week schedules are counted as reporting to the worksite in totaling Employee-Days.

(2) The following employees are not counted in totaling Employee-Days:

(i) Employees not working due to vacation, sickness, or other time-off.

(ii) Days an employee reports directly from home to a location other than the worksite.

(iii) Disabled employees who must drive a specially equipped vehicle designed to accommodate their disability.

(iv) Employees who drive electric vehicles or other zero-emission vehicles originally manufactured as zero-emission vehicles.

(v) Employees scheduled to report to the worksite outside the PTP.

(C) Vehicle-equivalent days: Vehicle-equivalent days are based on the means of transportation used for the greatest distance of an employee's commute trip for each weekday of a typical one-week period.

Vehicle-equivalents are assigned as follows:

(1) A single occupant vehicle (drive alone) is counted as one

(2) A carpool is counted as one divided by the number of occupants in the carpool

(3) A vanpool is counted as one divided by the number of occupants in the vanpool

(4) A motorcycle, moped, motorized scooter, or motor bike is counted as one

(5) Vehicles converted to operate on clean alternative fuels after original purchase, where the conversion meets Air Resources Board certification requirements and the requirements are approved by the federal Environmental Protection Agency, shall be assigned a specified vehicle equivalents value by the Air Pollution Control Officer, based on the emission level identified in the Air Resources Board certification.

(6) The following all are counted as zero (0) Vehicle Equivalents:

(i) Public transit (bus, light rail, commuter rail, ferry)

(ii) Buspool

(iii) Bicycle

(iv) Walking or other non-motorized transportation modes

(v) Employees telecommuting (only the days those employees are telecommuting for the entire day)

(vi) Employees who work a compressed work week schedule (only on their compressed day(s) off)

(vii) Disabled employee vehicles specially equipped to accommodate the disability

(viii) Electric vehicles and other zero emission vehicles originally manufactured as zero emission vehicles

(ix) Business trips directly from home to a location other than the worksite

(x) A vehicle in which an employee reports to the worksite outside the PTP

Vehicle-Equivalent Days equals the sum, over the five weekdays, of the Vehicle Equivalent assigned to the commute mode used by each employee each day of a Survey Week. For example, an employee who starts work during the PTP and arrives at the worksite each weekday in a single-occupant-vehicle counts as five (5) Vehicle-Equivalent Days. Alternatively, an employee who starts work during the PTP and arrives at the worksite in a two-person carpool two weekdays, rides transit two weekdays, and drives alone one weekday counts as 2.00 Vehicle-Equivalent Days (VEDs) as follows:

Two-person carpool - 0.5 vehicle equivalents x 2 days	=	1.00 VED
Rides transit - zero (0) vehicle equivalents x 2 days	=	0.00 VED
Drives alone - 1.0 vehicle equivalents x 1 day	=	1.00 VED
		2.00 VED

(D) Multi-site AVR Averaging: Employers with multiple worksites filing Consolidated AVR Reports and groups of employers filing Collective AVR Reports shall calculate average AVR as follows:

The weighted AVR average for the multiple worksites is calculated by 1) adding together the "Employee-Days" for each worksite, 2) adding together the "Vehicle-Equivalent Days" for each worksite, then 3) dividing the aggregate "Employee-Days" by the aggregate "Vehicle-Equivalent Days" to obtain the weighted AVR average.

When the multiple worksites are in more than one target area, the AVR Target that the worksites must meet, shall be the weighted average of the AVR Targets for the target areas involved weighted by the number of employees at the involved employers in each target area. The average AVR Target for multiple worksites in more than one target area shall be calculated as follows:

$$\text{Total ED} / [\text{ED}_A / \text{Target}_A + \text{ED}_B / \text{Target}_B + \text{ED}_C / \text{Target}_C]$$

where:

$$\text{Target}_X = \text{AVR Target for Target Area X}$$

ED_x = Total Employee-Days at Employers in Target Area X
 Total ED = The total of the Employee-Days at all the involved Employers in all the Target Areas

(E) Vehicle-Equivalent Reduction (VER) for Satellite Worksites:
 A Vehicle-Equivalent Reduction will be given to those employers that reduce emissions by the establishment of satellite worksites in closer proximity to employee residences. VER for satellite worksites can be calculated as follows:

$$VER = (ED_s/AVR_a - ED_s/AVR_t) (1 - D_s/D_p)$$

where:

VER = is the total projected reduced Vehicle Equivalents
 ED_s = the number of Employee-Days currently associated with the employer's primary worksite that will be transferred to a satellite worksite
 AVR_a = the AVR level the employees to be transferred to the satellite are currently achieving
 AVR_t = the AVR Target for the primary worksite
 D_s = the average commute distance between the satellite worksite and the residences of the employees to be transferred
 D_p = the average commute distance to the primary worksite of the employees transferred to the satellite worksite

The resulting reduction in Vehicle Equivalents can be used as a VER credit that is subtracted from the Vehicle-Equivalent Days in calculating AVR according to the following equation:

$$AVR = [ED/(VED - VER)]$$

where:

ED = is the total number of Employee-Days, including the number of Employee-Days transferred to the satellite worksite
 VED = the total Vehicle-Equivalent Days for both the primary and satellite worksites

For example, an employer that employs 1,000 employees at a Centre City Planning Area (CCPA) worksite may wish to establish a satellite worksite where 200 employees will work rather than at the CCPA worksite. The AVR level the 200 employees are currently achieving at the primary worksite is 1.4 and the AVR Target for the primary worksite is 1.5. The average commute distance to the primary worksite for these 200 employees is 25 miles, but would be reduced to

five miles for the satellite worksite. The trip reduction credit would be calculated as follows:

$$VER = (200 \times 5 / 1.4 - 200 \times 5 / 1.5)(1 - 5/25) = 38 \text{ Vehicle Equivalents Reduced}$$

Then, assuming that for each day of the five-day survey week, the 1,000 employees arrive during the PTP in the equivalent of 750 vehicles, the AVR for the primary worksite would be calculated as follows:

$$ED = 1000 \times 5 = 5000$$

$$VED = 750 \times 5 = 3750$$

$$AVR = 5000 ED / (3750 VED - 38 VER) = 1.35$$

(2) REQUIRED ACTIONS

(i) **New Hire Orientation Program.** Employers shall provide all new hires with a commute alternatives information packet. To assist employers in preparing commute alternative information packets, Transportation Management Associations, Commuter Computer, and the Transportation Demand Management (TDM) Program Administrator will have information about commute alternatives. The new hire information packet shall include but not be limited to information about the following topics, as appropriate to the specific worksite:

- o Alternative Transportation incentives offered to employees by the employer
- o Alternative Work Hour programs offered to employees by the employer
- o Onsite amenities and information resources
- o Air quality, traffic congestion, commute costs, and other conditions that necessitate TDM strategies.
- o Carpool matching services
- o Bus, trolley and rail service to the worksite vicinity
- o Bicycle facilities including bicycle routes, lockers, racks, showers and dressing areas in the worksite vicinity
- o New Hire Transportation Survey

(ii) **Employee Transportation Demand Management (TDM) Information.** Each employer shall develop and maintain employee TDM information that provides all employees with current information regarding commute options and rideshare services available to them. Such information shall be accessible and available at each worksite. Employers may simply establish a centrally located bulletin board or kiosk for display of information. As an alternative, electronic bulletin boards, company newsletters, and other communication delivery methods may be used.

Employee TDM information shall include but not be limited to the following items, as appropriate to the specific worksite:

- o List of Alternative Transportation incentives offered to employees

- o List of Alternative Work Hour programs offered to employees
- o Alternative Transportation promotional material
- o Information on carpool matching services
- o Space for carpool and vanpool riders-wanted advertisements
- o Transit pass information
- o Information about bus, trolley, and rail service to the worksite vicinity
- o Information about bicycle facilities, including bicycle routes, lockers, racks, showers and dressing areas in the worksite vicinity

A program for updating the employee TDM information shall also be provided. The Employee Transportation Coordinator (ETC) is suggested as the appropriate person to maintain the system.

(iii) **Employee Transportation Coordinator (ETC).** Each employer shall designate an ETC for each worksite to serve as a liaison between the implementing agencies, the employer, and between the employer and its employees. An employer with multiple worksites may designate one ETC for all the worksites.

(3) REPORTING REQUIREMENTS

(i) Each employer shall file an annual AVR Report with the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(ii) AVR Reports shall be submitted according to the filing schedule established by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(iii) Late AVR Reports are subject to penalties as stated in Section (g) of this Rule.

(iv) An employer may choose to file a consolidated AVR Report for all its worksites, or participate in a collective AVR Report, provided the data are shown separately by worksite.

(v) AVR Survey Method

(A) To file an AVR Report, employers shall collect necessary data by a written survey of all subject employees. For employers with 1,000 or more employees at a worksite, statistically accurate random sampling survey methodology may be approved by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. Where a random sample of the employees are surveyed, the sample size shall be large enough to achieve statistically significant confidence levels for the employer as a whole.

(B) The required standard survey form will be made available by Commuter Computer upon request. Employers shall collect the completed survey forms. Employers shall submit the original employee survey forms,

together with an AVR Report Form for each worksite, to the Air Pollution Control Officer or the applicable delegated TDM Program Administrator for processing. If the employer elects to utilize the services of Commuter Computer to process the employee survey forms, the original survey forms shall be submitted to Commuter Computer for processing, and the survey forms need not be submitted with the AVR Report to the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(C) AVR Reports shall include survey responses from at least 75% of the employees reporting to each worksite during the PTP. An employer that does not achieve at least a 75% survey response rate from employees reporting to the worksite during the PTP may resurvey those employees who did not respond, in order to achieve at least a 75% survey response rate. Otherwise, nonrespondents below the required 75% response rate will be counted as single occupant vehicles.

(D) The survey shall cover a typical five-consecutive-weekday period, representative of typical worksite employee activities, that does not include a holiday or border a holiday weekend. For example, neither the week preceding nor the week following Labor Day weekend shall be considered a typical week.

(vi) AVR Report Contents

(A) The AVR Report shall include the completed AVR Report Form. The AVR Report Form shall indicate the total number of employees at the worksite, the number of employees scheduled to report to the worksite during the PTP (documented in a manner satisfactory to the Air Pollution Control Officer or delegated TDM Program Administrator, such as an employee roster which includes work schedules, or an employee handbook, company policy manual, or collective bargaining agreement which establishes work schedules for employees or groups of employees), and the number of completed surveys returned for employees reporting to the worksite during the PTP. The AVR Report shall include all original employee survey forms, unless the employer utilizes the services of Commuter Computer to process the survey forms, in which case the original survey forms shall be submitted to Commuter Computer.

(B) The AVR Report shall show arrival times and commute travel modes for each employee who reports to the worksite during the PTP and the calculation of AVR for each worksite.

(C) The employer shall include the completed Employer Ridesharing Incentives Survey Form in the AVR Report. This survey assists the employer and the Air Pollution Control Officer or the applicable delegated TDM Program Administrator in determining which TDM Actions are proving to be the most successful.

(vii) Consolidated AVR Reports

(A) An employer may file a Consolidated AVR Report for its multiple worksites, provided that each worksite is represented and described separately.

(B) AVR Report Forms are required for each worksite included in a Consolidated AVR Report.

(C) Worksite Summary Forms are required for Consolidated AVR Reports.

(D) For Employers filing a Consolidated AVR Report that meets the Weighted Average AVR Target, each worksite that has failed to meet its individual AVR Target is not required to submit a TDM Plan.

(E) If the Consolidated AVR Report fails to meet the Weighted Average AVR Target, then each worksite that has individually failed to meet its AVR Target shall be required to submit a TDM Plan.

(viii) Collective AVR Reports

(A) A group of employers may file a Collective AVR Report in a collective effort through a Transportation Management Association/Organization (TMA/TMO). Each employer and each employer's worksites shall be surveyed separately. An employer in the group that has additional worksites outside the geographical area of the TMA/TMO may include those worksites in the Collective AVR Report.

(B) AVR Report Forms are required for each worksite included in a Collective AVR Report.

(C) Worksite Summary Forms are required for Collective AVR Reports.

(D) If a group of employers within a TMA/TMO collectively meet the Weighted Average AVR Target, then each worksite that has failed to meet its individual AVR Target is not required to submit a TDM Plan.

(E) If the Collective AVR Report fails to meet the Weighted Average AVR Target, then each worksite that has individually failed to meet its AVR Target shall be required to submit a TDM Plan.

(ix) Filing Schedule

(A) AVR Report due dates shall be established by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. An employer may petition the Air Pollution Control Officer or the applicable delegated TDM Program Administrator to revise the due date applicable to a worksite for good cause.

(B) Employers will be notified at least 90 days in advance by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator that an AVR Report is due. Extensions of the due date may be granted for good cause by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator up to 45 days upon written request.

(C) An employer subject to this Rule that does not receive official notification from the Air Pollution Control Officer or the applicable delegated TDM Program Administrator that an AVR Report is due shall submit its first annual AVR Report no later than March 31, 1996.

(D) Employers with worksites having different due dates may consolidate into a single due date. The Consolidated AVR Report shall be due upon

the earliest due date for the worksites to be included in the Consolidated AVR Report.

(E) A Collective AVR Report filed by employers through a TMA/TMO shall be due upon the earliest due date for the worksites to be included in the Collective AVR Report.

(F) A TMA/TMO may divide the employer worksites it represents into groups to facilitate surveying and reporting. Each group may have a Collective AVR Report and a separate due date. Each group's Collective AVR Report shall be due upon the earliest due date for the worksites to be included. The grouping of worksites by a TMA/TMO cannot be modified except as approved by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(G) If an employer is filing an AVR Report through a TMA/TMO, but not in a collective effort with other employers, then the AVR Report shall be due upon the employer's due date established by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(x) The employer's AVR may be recalculated and verified by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. The employer will be notified if a TDM Plan is required as a result.

(4) TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN REQUIREMENTS

(i) An employer that fails to achieve its AVR Target in FY-96, shall develop, file, and implement a TDM Plan that convincingly demonstrates attainment of the AVR Target by the end of FY-98.

(ii) The TDM Plan shall be submitted to the Air Pollution Control Officer or the applicable delegated TDM Program Administrator within 90 days after the date of receipt of notification from the Air Pollution Control Officer or the applicable delegated TDM Program Administrator of the employer's failure to achieve the AVR Target. Extensions of the due date may be granted for good cause by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator up to 45 days upon written request. However, in no case shall the due date be later than the end of FY-96.

(iii) An employer may choose to consolidate required TDM Plans for more than one worksite under this requirement.

(iv) Employer TDM Plans shall be specific for single worksites. Consolidated TDM Plans shall address each worksite individually.

(v) Late employer TDM Plans are subject to penalties as stated in Section (g) of this Rule.

(vi) **TDM Plan Contents.** An employer TDM Plan shall include the following:

(A) Listing and description of existing TDM Actions in place at the worksite.

(B) Evaluation of why the existing measures did not succeed in achieving the AVR Target.

(C) Statement of which existing TDM Actions will be maintained, which will be enhanced, and which will be discontinued and why.

(D) Listing and description of new TDM Actions that will be implemented at the worksite, which may include but are not limited to those listed in the Menu of TDM Actions [Subsection (d)(4)(viii)].

(E) Implementation schedule for new and enhanced TDM Actions.

(vii) TDM Plan Review/Implementation.

(A) Employer TDM Plans shall be reviewed by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator to ensure the plan is complete and workable and is likely to achieve the applicable AVR Target by the end of FY-98.

(B) In cases in which an employer submits a consolidated employer TDM Plan for multiple worksites, each worksite will be reviewed individually.

(C) Employer TDM Plans shall be implemented within 30 days of approval by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. Extensions of the implementation date may be granted for good cause by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator upon written request.

(D) Rejected TDM Plans shall be revised and resubmitted within 30 days of notification. After notification, failure to submit an acceptable plan within 30 days will subject the employer to penalties as stated in Section (g) of this Rule.

(E) The provisions of any approved TDM Plan shall continue in effect until superseded by a subsequent TDM Plan that convincingly demonstrates attainment of the AVR Target by the end of FY-98, subject to the approval of the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(F) If an employer meets its applicable AVR Target, the TDM Plan may be amended to delete any measures not yet implemented, subject to the approval of the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(viii) Menu of Transportation Demand Management (TDM) Actions

(A) Purpose. The following menu provides a variety of Transportation Demand Management Actions that an employer may choose to implement to help achieve its AVR Target. An employer is not limited to the actions listed here.

(B) Alternative Work Hour Programs.

(1) Compressed work week schedule

- (i) Three 12-hour weekdays with two weekdays off (3/36)
 - (ii) Four 10-hour weekdays with one weekday off (4/40)
 - (iii) Eight 9-hour weekdays, one 8-hour weekday and one weekday off every two weeks (9/80)
- (2) Flextime available to employees who rideshare
- (C) Transportation Management Association/Organization Membership.
- (D) General Incentives.
 - (1) "Guaranteed ride home" program for employees who rideshare
 - (2) Transportation allowance in lieu of parking or transit subsidies
 - (3) Awards/recognition/bonus to employees who use alternative commute modes
 - (4) Provide fleet vehicles for ridesharers
 - (5) Provide rental vehicles (hourly basis) for personal business
 - (6) Provide shuttle service to retail and/or transit centers
- (E) Transit.
 - (1) Transit pass sales at worksite
 - (2) Subsidized passes
 - (3) "Occasional-use" parking permits for regular transit users
- (F) Carpool.
 - (1) Parking subsidy for carpoolers
 - (2) Maintain current carpool matching list
 - (3) Carpool bulletin board
 - (4) Provide company vehicles
- (G) Vanpool/Buspool.
 - (1) Provide company vehicles
 - (2) Subsidize private vehicles
 - (3) Subsidize vanpool passenger fares

(H) Bicycling.

- (1) Provide Bicycle Incentive Allowance
- (2) Bike lockers at worksite
- (3) Shower/locker facilities
- (4) Improve bike access to worksite

(I) Walking.

- (1) Provide Walking Incentive Allowance
- (2) Shower/locker facilities
- (3) Improve pedestrian access to worksite

(J) Telecommuting.

- (1) Provide telecommuting program and policy
- (2) Provide company computers
- (3) Subsidize private computers

(K) Onsite Amenities.

- (1) Child-care
- (2) Post office
- (3) Banking services
- (4) Cafeteria/deli/restaurant
- (5) Fleet vehicles for employees' use during workday
- (6) Commuter Lounge for waiting/connecting

(L) Parking Management Strategies.

- (1) Preferential parking for carpools and vanpools
- (2) Implement paid parking on the worksite with proceeds to fund Alternative Commute Mode incentives
- (3) Limit the availability of all-day on the worksite parking for single-occupant vehicles
- (4) Provide reduced parking pricing for carpools and vanpools

(M) Vehicle Miles Traveled (VMT) Reduction Strategies

- (1) Reduced employer commute VMT through use of satellite worksites

(e) **INSTITUTIONAL STRUCTURE**

(1) **PROGRAM SUMMARY**

Groups of delegated cities desiring to implement and enforce the same trip reduction ordinance would administer the program under Joint-Powers Authority (JPA) agreements. An example would be to use the boundaries of the existing transit districts as the boundaries for two JPAs, which could then use the members of the existing Metropolitan Transit Development Board and North County Transit District Boards as their governing boards. Alternatively, a JPA could involve only two or three cities.

If a city or the county did not wish to join a JPA they would have the option of seeking delegation from the Air Pollution Control District to run their own program or the Air Pollution Control District would administer and enforce the program within their jurisdiction.

Subregional implementation should allow cities to combine resources and provide more uniform administration than implementation by individual cities.

(2) **PARTICIPANTS**

(i) **Air Pollution Control Board**

(A) Composition

County Board of Supervisors (as designated by state law).

(B) Functions

- (1) Adopts regulations implementing the program.

- (2) Delegates implementation of the trip reduction regulation to cities/county if an implementation plan (that could reflect a JPA) is submitted which provides adequate resources to adopt and enforce the measure; the implementation plan is approved; and, the delegated entity adopts and implements a program with requirements identical to those in the regulation adopted by the Air Pollution Control District.

The Air Pollution Control District may revoke a delegation if it determines that the performance of the delegated entity is inconsistent with the previous provisions or otherwise inadequate to implement the trip reduction regulation adopted by the Air Pollution Control District.

- (3) Appoints members of the Regional Hearing Board from nominations provided by delegated local and subregional entities and by the Air Pollution Control District on behalf of non-delegated agencies.

(ii) **Air Pollution Control District**

(A) Composition

Air Pollution Control Officer and staff

(B) Functions

(1) Prepares regulations for adoption by the Air Pollution Control Board.

(2) Audits delegated JPA's, cities or the county. The purpose of the audit is to assure the requirements for delegation are met.

(3) Administers the program in cities/county that have not requested or received delegation, or in which delegation has been revoked.

(4) Staffs the Regional Coordinating Committee and identifies needed changes in the regional regulations for referral to the Regional Coordinating Committee and Air Pollution Control Board.

(iii) JPA Governing Boards

(A) Composition

The JPA governing boards would be composed of elected officials.

(B) Functions

(1) The governing boards of the JPAs would administer the program for member cities. This would include the establishment of a budget, guidelines and policies to provide for and direct the staff in the application and enforcement of the trip reduction regulation in the conformance with provisions of delegation.

(2) Each JPA governing board would designate members to serve on the Regional Coordinating Committee. Each governing board would appoint its own technical committee, and provide nominations for the Regional Hearing Board.

(3) The JPA governing boards could serve to foster communications between cities and the Air Pollution Control Board, however this should in no way inhibit or restrict direct communications between individual cities and the Air Pollution Control Board.

(4) The JPA board would identify needed changes in the regional regulation for referral to the Air Pollution Control Board and the Regional Coordinating Committee.

(iv) Regional Coordinating Committee

(A) Composition

(1) The Regional Coordinating Committee would consist of seven elected officials from implementing entities, and no more than two from non-delegated agencies. The implementing agencies shall determine the membership of the Committee in case of disputes.

(2) The Air Pollution Control District would staff the Regional Coordinating Committee.

(B) Functions

(1) The Regional Coordinating Committee would address and develop solutions to any significant inconsistencies in application and enforcement of the regulation between implementing entities. Solutions requiring regulatory changes will require Air Pollution Control Board action. Administrative solutions would be implemented through the local and subregional entities, and the Air Pollution Control District.

(2) The Regional Coordinating Committee would review all trip reduction regulation related items to be considered by Air Pollution Control Board.

(3) The Regional Coordinating Committee would provide a recommendation on all the Air Pollution Control District items docketed for Air Pollution Control Board consideration concerning the trip reduction regulation.

(v) JPA Technical Committee (One in each JPA)

(A) Composition

SANDAG, CALTRANS, transit operators, city staffs, TMAs, employers and interest groups.

(B) Functions

The Technical Committee would be advisory to the JPA Governing Board in the implementation of program regulations.

(vi) Regional Hearing Board

(A) Composition

A Regional Hearing Board will be established as specified by state law (including a doctor, a lawyer and an engineer, as well as two public members). The intent will be to maintain a balanced representation of community perspectives in the appointment of members to the Regional Hearing Board. Regional Hearing Board members will be nominated by delegated local and subregional entities and by the Air Pollution Control District on behalf of the non-delegated agencies, and then be appointed by the Air Pollution Control Board. The list of nominees should be larger than the number of Regional Hearing Board positions available.

The legal counsel to and clerk functions for the Regional Hearing Board are to be provided by County Counsel and the Clerk of the Air Pollution Control Board, who are familiar with procedures and related law. Staff of the delegated local and subregional entities or the Air Pollution Control District will review items on the Regional Hearing Board agenda within their geographic

area of responsibility, make recommendations and present those recommendations before the Regional Hearing Board.

(B) Functions

The Regional Hearing Board would provide final resolution of actions regarding application of the provisions of the TDM regulation. Judicial review of Regional Hearing Board decisions would be handled as provided in state law (petition to superior court).

(vii) Staffing

The affected JPA would provide staff to address matters before the Regional Hearing Board, and would provide staff for the technical committees and the JPA Governing Boards. This staffing could consist of personnel employed by the JPA, or could be contributed by member agencies and the county. Air Pollution Control District would provide staff for the Regional Coordinating Committee.

(f) DELEGATION OF PROGRAM

(1) A city or county may request the Air Pollution Control Board to delegate authority for the implementation and operation of an employer-based trip reduction program, as allowed under California Health and Safety Code, Division 26, Part 3, Chapter 6, Subsection 40717(e). Requests for such delegation of authority must be received on or before December 1, 1994, or December 1 of the fiscal year preceding the year in which the city or county wishes to implement its own program, whichever is later. Approval of such a request may be granted by the Air Pollution Control Board upon condition that:

(i) The city or county adopts and submits to the District a local employer-based trip reduction ordinance with requirements identical to those in this Rule.

(ii) The city or county submits to the District an implementation plan for the employer-based trip reduction program which provides adequate resources to implement, monitor, and enforce the provisions of the city's or county's employer-based trip reduction ordinance.

(iii) An employer with multiple worksites which are located within the jurisdictions of more than one implementing agency may elect to report to the Air Pollution Control District instead of reporting to more than one implementing agency.

(2) The Air Pollution Control Board may revoke a delegation under this Rule if it determines that the performance of the delegated local agency is inadequate to implement this Rule.

(g) ENFORCEMENT

An employer that fails to file an annual AVR Report or TDM Plan when due shall be in violation of this Rule. Each day in which the employer fails to file the AVR Report or TDM Plan, following the date when due, shall constitute a separate and additional violation of this Rule. An employer that fails to achieve its AVR Target and fails to implement its TDM Plan is in violation of this Rule. Violation of this provision shall subject the employer to the penalties established by law. [See especially Health & Safety Code Section 42402.] If an employer complies with all provisions of this Rule, but fails to meet its AVR Target, such failure is not a violation of this Rule.

(h) AUDITING AND RECORDKEEPING

(1) All employers subject to this Rule and all employers subject to a delegated local trip reduction ordinance approved by the Air Pollution Control Board under Section (f) of this Rule, are subject to random onsite audits to verify compliance with this Rule by the Air Pollution Control Officer, and by the delegated implementing agency, if applicable. The Air Pollution Control Officer or the applicable delegated TDM Program Administrator may require an employer to provide such information as is necessary to verify employment data, AVR, and implementation of required actions. An employer shall compile and retain for a period of three years all records reasonably necessary to document employee population, employee travel surveys, vehicle counts, carpool and vanpool subsidies, transit pass sales and subsidies, parking policies and revenues, and the marketing of and participation in incentive programs. Records for the most recent two years shall be kept at the worksite or with the Employee Transportation Coordinator (ETC). Records for the third year may be kept at any other convenient location within San Diego County, provided they are accessible to the Air Pollution Control Officer.

(2) The District shall verify that a city or county which is delegated authority under Section (f) of this Rule for the implementation and operation of a local trip reduction program has implemented measures to ensure compliance with this Rule. A city or county which is delegated authority under Section (f) of this Rule, for the implementation and operation of a local trip reduction program is subject to random onsite audit to verify compliance with this Rule. The Air Pollution Control Officer may require a city or county to provide such information as is necessary to verify the adequacy of municipal monitoring and enforcement efforts, resources, employer coverage and employment data, progress toward achieving required AVR levels, program implementation, or the performance of specific employers. A city or county that has been delegated authority under this Rule, shall compile and retain for a period of five years all records relative to municipal monitoring and enforcement actions, employer coverage, employee population, employee travel surveys, vehicle counts, the implementation and success of employer trip reduction actions, and other evidence of the effectiveness of the city's or county's trip reduction ordinance.

(i) SUNSET CLAUSE

This Rule shall become inoperative, and any delegation under Section (f) shall be rescinded immediately upon notice to the San Diego Air Pollution Control District from the federal Environmental Protection Agency of either of the following:

- (1) The federal Environmental Protection Agency disapproves this Rule, or
- (2) The federal Environmental Protection Agency reclassifies the San Diego ozone nonattainment area from Severe to Serious.

2. Proposed amendments to Rule 25, a new Section (c) is added and existing Sections are relettered to read as follows:

RULE 25. APPEALS

(a) Within 10 days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an Authority to Construct, Permit to Operate, Permit to Sell or Rent, or renewal of a Permit to Operate with new or modified conditions, or Certificate of Emission Reduction Credit, the applicant may petition the Hearing Board, in writing, for a public hearing. Such request shall state with reasonable particularity the grounds therefor and shall be signed under penalty of perjury. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer. Such order may be made subject to specified conditions.

(b) Within 10 days of any decision or action pertaining to the issuance of an Authority to Construct, Permit to Operate, temporary authorization, Permit to Sell or Rent, or renewal of a Permit to Operate with new or modified conditions, an aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in connection with the issuance of the Authority to Construct or permit or temporary authorization, may request the Hearing Board to determine whether the Authority to Construct or permit or temporary authorization was properly issued. A request to the Hearing Board shall be made by filing of a petition in accordance with the Rules and Regulations of the Hearing Board and payment of fees. The request shall state with reasonable particularity the grounds therefor and shall be signed under penalty of perjury. A copy of such request shall be served on the holder of the Authority to Construct or permit or temporary authorization and the Air Pollution Control Officer no later than the day the request is filed with the Hearing Board. Within 30 days of the request, the Hearing Board shall hold a noticed public hearing and render a decision on whether the Authority to Construct or permit or temporary authorization was properly issued in accordance with District Rules and Regulations.

(c) Within 10 days after notice by the Air Pollution Control Officer or the applicable delegated Transportation Demand Management (TDM) Program Administrator of a decision on an Average Vehicle Ridership (AVR) Report or a TDM Plan, the applicant may petition the Regional Hearing Board for the TDM Program, in writing, for a public hearing. Such request shall state with reasonable particularity the grounds therefor and shall be signed under penalty of perjury. The Regional Hearing Board for the TDM Program, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. Such order may be made subject to specified conditions.

(d) (1) An aggrieved person who has filed a petition pursuant to Section (b) of this Rule may request the Hearing Board to stay the effect of the Authority to Construct or permit or temporary authorization, pending a decision of the Hearing Board on the petition. Any such request shall be in writing, shall state with reasonable particularity the grounds in support of the request and shall be signed under penalty of perjury. A copy of the Petition and request for stay shall be served personally on the holder of the Authority to Construct or permit or temporary authorization and the Air Pollution Control Officer on the same day the request for stay is filed with the Hearing Board, but prior to the time the request is filed with the Hearing Board; provided, however, that service of the request on a holder of an Authority to Construct or permit or temporary authorization who does not maintain a fixed place of business within the District may be accomplished by mail. Proof of service on the holder of an Authority to Construct or permit or temporary authorization must accompany any request for a stay at the time such request is filed with the Hearing Board.

(2) A request for stay served and filed pursuant to Subsection (1) of Section (d) shall be heard, notice requirements permitting, at the next meeting of the Hearing Board at which time the Hearing Board shall determine whether the Authority to Construct or permit or temporary authorization should be stayed until the final decision of the Hearing Board on the propriety of the issuance of the permit is rendered. If the notice requirements cannot be met for the next meeting of the Hearing Board, the stay request shall be heard at the following meeting of the Hearing Board. The person requesting the stay, the holder of the Authority to Construct or permit or temporary authorization, and the Air Pollution Control Officer shall be given an opportunity to present evidence and arguments on the request for stay.

A request for stay shall have priority over other matters on the Hearing Board calendar.

(3) The Hearing Board shall stay the effect of an Authority to Construct or permit or temporary authorization pending final decision by the Hearing Board only if the Hearing Board finds that denial of the stay would likely result in the great or irreparable injury to an aggrieved person or the public. The decision of the Hearing Board on the stay shall be served by the Clerk of the Hearing Board immediately on all parties and the Air Pollution Control Officer.

(e) With respect to an Authority to Construct or permit or temporary authorization for a modification of an existing permitted operation, any appeal or stay provided for in this Rule shall apply only to the modification and not to the existing operation.

(f) Not later than three business days after receipt by the Air Pollution Control Officer of an appeal pursuant to Section (b) of this Rule or a request for stay pursuant to Section (d) of this Rule, the Air Pollution Control Officer or his designee shall attempt to schedule a meeting with the appellant and the permit holder to resolve the issues identified in the appeal or request for stay. If there is a resolution of the issues by the parties, the matter before the Hearing Board shall be withdrawn or dismissed. If all the issues are not resolved at the meeting, the District shall file a report with the Hearing Board detailing the resolved and unresolved issues and the District position on the unresolved issues.

3. Proposed amendments to Rule 132, Section (b) are to read as follows:

RULE 132. TRAFFIC ABATEMENT PLAN

(a) The Traffic Abatement Plan shall be in two parts: Abatement plans prepared by the operators of the facilities or operations, pursuant to Subdivision (c) and an abatement plan for other operations prepared by the Air Pollution Control Officer.

(b) Facilities or operations subject to traffic abatement measures (in order to prevent an episode) include the following:

- (1) Facilities with 1,000 or more parking spaces, including shopping centers.
- (2) Operations with 50 or more fleet vehicles in San Diego County.

(3) Governmental agencies employing more than 100 persons per shift at one business address. However, such facilities shall be exempt from this Rule during such time as Rule 1301 is in effect.

(4) Industrial or commercial businesses employing more than 100 persons per shift at one business address. However, such facilities shall be exempt from this Rule during such time as Rule 1301 is in effect.

IT IS FURTHER RESOLVED AND ORDERED that the subject addition of Regulation XIII and amendments to Rules 25 and 132 shall take effect on July 1, 1995.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 18th day of January, 1994 by the following votes:

AYES:	Bilbray, Jacob, Slater, Williams, MacDonald
NOES:	None
ABSENT:	None

STATE OF CALIFORNIA) ss
County of San Diego)

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

Dutton
DEPUTY

I hereby certify that the foregoing is a full, true, and correct copy of the Original Resolution which is now on file in my office.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By

Susan Morgan
Susan Morgan, Deputy

Resolution No. 94-18
1/13/94 (APCD #3) SM
APPENDIX I - Rule 1301
Rules 25 & 132/-No PreF

CHANGE COPY

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION ADDING REGULATION XIII AND RULE 1301,
AMENDING RULE 25 OF REGULATION II,
AND RULE 132 OF REGULATION VIII
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member _____, seconded by Member _____
the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control District (District) has been classified a "severe" area by the federal Environmental Protection Agency (EPA) under the federal Clean Air Act regarding the national air quality standards for smog (measured as ground-level ambient ozone); and

WHEREAS, the federal Clean Air Act requires an Employer Trip Reduction regulation for employers with 100 or more employees at a worksite in "severe" areas; and

WHEREAS, the District is classified a "serious" area for ozone by the State Air Resources Board (ARB) under the California Clean Air Act, and the District and ARB have requested that EPA reclassify the District as a "serious" area for ozone under the federal Clean Air Act; and

WHEREAS, an Employer Trip Reduction regulation is not required in "serious" areas under the federal Clean Air Act, although a program is required under the California Clean Air Act; and

WHEREAS, the ARB is in the process of revising guidelines to implement a flexible trip reduction program mandated by recent State legislation; and

WHEREAS, a flexible program under state law will be developed in accordance with the final ARB guidelines; and

WHEREAS, an Employer Trip Reduction regulation is required to be submitted to the EPA by July 15, 1994 to avoid mandatory federal sanctions in the District; and

WHEREAS, pending EPA final decision on the reclassification request, an Employer Trip Reduction regulation must be submitted to EPA to avoid mandatory federal sanctions after July 15, 1994; and

WHEREAS, in order to meet the July submittal deadline, the Employer Trip Reduction regulation must be submitted to the ARB by February 1994; and

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as stated below;

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is directed to transmit this resolution and Regulation XIII to the ARB and EPA;

BE IT FURTHER RESOLVED that Regulation XIII is automatically rescinded if the District is reclassified as "serious" under the federal law, or the Regulation is disapproved by the EPA;

BE IT FURTHER RESOLVED that the Board requests EPA to expedite and finalize its decision on reclassification prior to the Regulation XIII effective date;

BE IT FURTHER RESOLVED that if Regulation XIII is rescinded due to District's reclassification under the federal law, the Air Pollution Control Officer is directed to return with a flexible Employer Trip Reduction regulation under state law after ARB has issued final trip reduction guidelines;

BE IT FURTHER RESOLVED that the Air Pollution Control Officer is directed to report to the Board triennially, beginning three years after Rule 1301 becomes effective, on the costs of implementing Rule 1301, the emission reductions achieved, the cost-effectiveness of the employer trip reduction program in comparison to other transportation control measures.

1. Proposed new Rule 1301 is to read as follows:

REGULATION XIII. TRIP REDUCTION

RULE 1301. TRIP-REDUCTION PROGRAM FOR EMPLOYERS WITH 100 OR MORE EMPLOYEES

(a) APPLICABILITY

(1) This rule applies to all employers with 100 or more employees at a worksite within San Diego County.

(2) The applicable employee population includes all employees reporting to the worksite, all employees reporting directly from home to a location other than the worksite, all employees who are telecommuting, and all employees reporting to a satellite worksite.

(3) The employer-size determination considers the average number of employees based on the employer's payroll periods during the year prior to notification that an AVR Report is due.

(b) EXEMPTIONS

- (1) Construction job sites with a construction schedule of less than one-year shall be exempt from the requirements of this Rule.
- (2) The following classes of individuals shall not be included in the employer size determination or employer Average Vehicle Ridership (AVR) calculation.
 - (i) Volunteers,
 - (ii) Disabled persons who must drive a specially equipped vehicle designed to accommodate their disability,
 - (iii) Real estate agents,
 - (iv) Taxi drivers who lease their vehicles,
 - (v) Temporary employees substituting for absentee permanent employees, and
 - (vi) Persons not on the employer's payroll.
- (3) Employers with fewer than 33 employees reporting to the worksite during the Principal Travel Period shall be exempt from the requirements of this Rule.

(c) DEFINITIONS

- (1) **"Alternative Commute Modes"** means bicycling, buspool, carpool, compressed work schedule, telecommuting, transit, vanpool, and walking, but excludes driving alone.
- (2) **"Alternative Work Hour Programs"** means any method for adjusting the starting and ending times of an employee's work day to facilitate the use of alternative commute modes or otherwise reduce motor vehicle trips during the Principal Travel Period. Such programs may include, but are not limited to compressed work schedules and flextime.
- (3) **"Average Vehicle Ridership" or "AVR"** means the number of employees reporting to a worksite during the Principal Travel Period (between 6 a.m. and 10 a.m. Monday through Friday) in the Survey Week divided by the number of vehicles used by those employees to commute to the worksite, as calculated in Subsection (d)(1)(i).
- (4) **"Average AVR"** for a Collective AVR Report or a Consolidated AVR Report means the average of the AVRs for multiple worksites weighted by the number of employees at each worksite arriving during the Principal Travel Period.
- (5) **"AVR Report"** means an annual report filed by an employer which shows the number of employees reporting to the worksite, the number of completed employee surveys, employee arrival times and modes used in commuting to the worksite and the employer's calculation of its annual AVR.
- (6) **"AVR Target"** means the Average Vehicle Ridership performance standards established in Subsection (d)(1).
- (7) **"Bicycling"** means commuting by bicycle.

(8) **"Buspool"** means a bus service with limited pickups and destination stops, guaranteed seats and advance ticket purchase. Buspools are sometimes administered by the employer or the riders themselves.

(9) **"Carpool"** means a motor vehicle occupied by an employee and at least one other person of driving age and/or one or more children being dropped off at a child care facility at or within one-half mile of the worksite, commuting together on a regular basis (at least weekly).

(10) **"Centre City Planning Area" or "CCPA"** means the downtown San Diego area bordered on the north and east by Interstate Route 5, on the north by Laurel Street, on the west and south by San Diego Bay, and on the southeast by Commercial Street from Interstate Route 5 west to Sixteenth Street, then southwest along Sixteenth Street to Newton, then southeast along Newton Avenue to Bigsby Street, then southwest along Bigsby Street to Harbor Drive, then southeast along Harbor Drive to Beardsley Street, and southwest in line with Beardsley Street to San Diego Bay.

(11) **"Clean Alternative Fuel"** means electricity, compressed natural gas (CNG), propane, methanol, or ethanol.

(12) **"Collective AVR Report"** means an AVR Report filed by a Transportation Management Association (TMA) representing multiple employers and worksites.

(13) **"Commute Trip"** means a home-to-work trip with either the origin or destination within the boundaries of San Diego County, made regularly in connection with employment. Commute trips shall include home-to-other-to-work trip combinations, where "other" refers to such intermediate destinations as day care, bank, gas station, or store.

(14) **"Commute Mode"** means the travel mode which the employee uses for the longest distance portion of a commute trip.

(15) **"Commuter Computer"** is San Diego's regional ridesharing agency operated by CALTRANS and SANDAG.

(16) **"Compressed Work Week Schedules"** means work schedules that compress the traditional 5-day/40-hour weekly work period into fewer than five days by adopting a longer work day such as three 12-hour work days and two weekdays off per week (3/36), four 10-hour work days and one weekday off per week (4/40), and eight 9-hour work days, one 8-hour work day and one weekday off every two weeks (9/80).

(17) **"Consolidated AVR Report"** means an AVR Report filed by an employer for more than one worksite.

(18) **"Employee"** means any person on an employer's payroll, including full-time and part-time employees, temporary employees not substituting for absentee permanent employees, the owner of a business, and students employed by an educational institution, who either reports or is primarily assigned to a worksite 80 or more hours per 28-day period, and works at least 30 days in a year, excluding volunteers. Subcontractors meeting these thresholds are considered the employees of the General Contractor for the purposes of this Rule.

(19) **"Employee-Days (ED)"** means the sum for all employees of the number of days per week each employee is scheduled to report to the worksite during the Principal Travel Period.

(20) **"Employee Transportation Coordinator" or "ETC"** means a person designated by an employer to act as a worksite liaison between the implementing agencies and the employer, and between the employer and its employees.

(21) **"Employer"** means a sole proprietor, partnership, corporation, unincorporated association, joint venture, government agency, or other business entity that employs 100 or more employees at a worksite, of which at least 33 employees report to the worksite during the Principal Travel Period. Where a construction site is at an existing worksite, the general contractor for the construction site shall be considered the employer of the construction employees, including employees of any subcontractors.

(22) **"Fiscal Year" or "FY"** means the annual period beginning July 1 and ending June 30. As an example, FY-95 means July 1, 1994 through June 30, 1995.

(23) **"Flextime"** means employees are given the freedom to choose their starting and leaving times, as long as they work the required hours and perform their responsibilities.

(24) **"Good Cause"** means the inability to comply with filing or implementation due dates as a result of circumstances beyond the employer's control, in spite of reasonable efforts to comply.

(25) **"Guaranteed Ride Home Program"** means providing a guaranteed ride home to employees who rideshare, when they can not use their regular shared ride home because they either need to go home early due to an emergency or they need to work late. Guaranteed ride home programs may involve such means to go home as using an employer fleet vehicle, or subsidized vehicle rental or taxi service.

(26) **"Joint Powers Agreement" or "JPA"** means an agreement among a group of delegated subregional entities (cities/county) enabling that group to collectively implement and enforce trip reduction ordinances.

(27) **"Onsite Amenities"** means facilities at the worksite that reduce an employee's need for a personal motor vehicle to make mid-day trips for personal business. Onsite automatic teller machines, bike racks/lockers, shower and locker facilities, child care facilities, athletic facilities, post offices and restaurants are examples of onsite amenities.

(28) **"Principal Travel Period" or "PTP"** means from 6:00 a.m. to 10:00 a.m., Monday through Friday.

(29) **"Ridesharing"** means the use of any Alternative Commute Mode for commuting.

(30) **"Satellite Worksite"** means a secondary work location close to employees' homes, established or contracted by an employer or group of employers for employees who live far from the primary worksite(s) in order to reduce their vehicle miles traveled. A satellite worksite shall not be considered a separate worksite, but instead, the employees at the satellite worksite shall be included in the employer size determination and employer AVR calculation of the worksite(s) for which it is a satellite.

(31) **"Survey Week"** means a typical five-consecutive-weekday period, that does not include a holiday or border a holiday weekend. The survey week shall be representative of typical worksite employee activities.

(32) **"Target-Area"** means (A) the San Diego Centre City Planning Area, (B) the incorporated cities excluding San Diego Centre City Planning Area, or (C) the unincorporated area of San Diego County, as designated in Subsection (d)(1) of this Rule.

(33) **"Telecommute" or "Telecommuting"** means working at home for the entire work day. Employees who telecommute are included in the worksite employee population for that day. Employees working at a satellite worksite are not counted as telecommuters but, rather, receive Vehicle Equivalent reduction credits as allowed under Subsection (d)(1)(i)(E) of this Rule.

(34) **"Transit"** means a vehicle operated on a for-hire, multiple-occupant, shared-ride basis, including trolley, commuter train, bus, shared-ride taxi, and shuttle van.

(35) **"Transportation Demand Management" or "TDM"** means a comprehensive set of strategies designed to influence travel behavior with respect to mode, time, frequency, route, or distance to reduce vehicle trips and vehicle miles traveled.

(36) **"Transportation Demand Management Actions"** means actions such as, but not limited to, those in Subsections (d)(4)(viii) of this Rule.

(37) **"Transportation Demand Management Program Administrator"** means an official appointed by the City, County or subregional entity to implement a delegated local Trip Reduction Ordinance adopted pursuant to Section (f) of this Rule.

(38) **"Transportation Demand Management Plan" or "TDM Plan"** means a written plan outlining schedules, steps, programs, worksite incentives, amenities, monitoring, evaluation, and corrective actions that the employer shall implement to achieve its AVR Target.

(39) **"Transportation Management Association/Organization" or "TMA/TMO"** means a private and/or public service organization with a strategic plan addressing institutional structures, programs, services and funding for the purpose of assisting businesses with implementing Transportation Control Measures (TCMs). Such associations may operate Employee Transportation Coordinator (ETC) Networks, provide commuter services, guaranteed/emergency ride home programs, vanpools, and other related programs.

(40) **"Vanpool"** means a van used routinely by several (typically six or more) employees to commute together.

(41) **"Vehicle Equivalent"** means the partial or whole vehicle value between zero and one assigned to each commute travel mode in Subsection (d)(1)(i)(C) of this Rule.

(42) **"Vehicle-Equivalent Days (VED)"** means the sum, over the five week-days, of the Vehicle Equivalent assigned to the commute mode used by each employee each day of a Survey Week.

(43) **"Vehicle-Equivalent Reduction (VER)"** means the reduction in vehicle equivalent days credited to an employer's primary worksite for the reduction in vehicle miles traveled achieved by employees commuting to a satellite worksite near their homes instead of commuting farther to the primary worksite.

(44) **"Weighted Average AVR Target"** means the average of the AVR Targets for the different target areas in which employers filing Consolidated or Collective AVR Reports are located, weighted by the number of employees reporting to each worksite during the PTP.

(45) **"Worksite"** means a land area, building, or group of buildings or portions thereof which are in actual physical contact or separated solely by a single public or private roadway or other public or private right-of-way, or a ship in port for at least 30 consecutive days, or other structure, where employees work, under the ownership or control of a single employer or employers under common control. Worksite shall include construction sites with a construction schedule of at least one year.

(d) **STANDARDS AND REQUIREMENTS**

(1) **PERFORMANCE STANDARDS**

Each employer shall achieve during the 6:00 a.m. to 10:00 a.m. Principal Travel Period (PTP) the applicable Average Vehicle Ridership (AVR) Target listed below.

Minimum Average Vehicle Ridership (AVR) Targets

Target-Area	AVR Target
Target-Area A	1.50
Target-Area B	1.41
Target-Area C	1.30

Target-Area A= Employers within the San Diego Centre City Planning Area
Target-Area B= Employers within an incorporated city in the County, but outside Target-Area A
Target-Area C= Employers within the unincorporated area of the County

(i) **AVR Calculation**

(A) Average Vehicle Ridership (AVR) is the ratio of the number of employees totaled over a typical five-day (Monday through Friday) period that report to the worksite between 6 a.m. and 10 a.m. to the number of vehicles used by those employees to arrive at the worksite during the PTP for that same five-day period. To account for alternative work schedules (telecommuting, compressed work week, etc.) and various travel modes, the calculation of AVR utilizes Employee-Days and Vehicle-Equivalent Days. Therefore, AVR is calculated by dividing Employee-Days by Vehicle-Equivalent Days. Employee-days and Vehicle-Equivalent Days are derived below.

(B) Employee-Days: Each weekday of a typical one-week period that an employee is scheduled to report to the worksite or associated satellite worksite during the PTP counts as one Employee-Day, including each weekday that an employee telecommutes or has a scheduled weekday off as part of a compressed work schedule. For example, a full-time employee who typically reports to the worksite on weekdays during the PTP counts as five Employee-Days, even if that employee telecommutes or has a scheduled weekday off as part of a compressed

work week or reports to a satellite worksite. For part-time employees, one Employee-Day is counted for each weekday of the one-week period that a part-time employee is scheduled to report to the worksite during the PTP. The following procedures are used to total Employee-Days.

(1) Employees telecommuting and therefore not at the worksite, or off due to compressed work week schedules are counted as reporting to the worksite in totaling Employee-Days.

(2) The following employees are not counted in totaling Employee-Days:

(i) Employees not working due to vacation, sickness, or other time-off.

(ii) Days an employee reports directly from home to a location other than the worksite.

(iii) Disabled employees who must drive a specially equipped vehicle designed to accommodate their disability.

(iv) Employees who drive electric vehicles or other zero-emission vehicles originally manufactured as zero-emission vehicles.

(v) Employees scheduled to report to the worksite outside the PTP.

(C) Vehicle-equivalent days: Vehicle-equivalent days are based on the means of transportation used for the greatest distance of an employee's commute trip for each weekday of a typical one-week period.

Vehicle-equivalents are assigned as follows:

(1) A single occupant vehicle (drive alone) is counted as one

(2) A carpool is counted as one divided by the number of occupants in the carpool

(3) A vanpool is counted as one divided by the number of occupants in the vanpool

(4) A motorcycle, moped, motorized scooter, or motor bike is counted as one

(5) Vehicles converted to operate on clean alternative fuels after original purchase, where the conversion meets Air Resources Board certification requirements and the requirements are approved by the federal Environmental Protection Agency, shall be assigned a specified vehicle equivalents value by the Air Pollution Control Officer, based on the emission level identified in the Air Resources Board certification.

(6) The following all are counted as zero (0) Vehicle Equivalents:

(i) Public transit (bus, light rail, commuter rail, ferry)

- (ii) Buspool
- (iii) Bicycle
- (iv) Walking or other non-motorized transportation modes
- (v) Employees telecommuting (only the days those employees are telecommuting for the entire day)
- (vi) Employees who work a compressed work week schedule (only on their compressed day(s) off)
- (vii) Disabled employee vehicles specially equipped to accommodate the disability
- (viii) Electric vehicles and other zero emission vehicles originally manufactured as zero emission vehicles
- (ix) Business trips directly from home to a location other than the worksite
- (x) A vehicle in which an employee reports to the worksite outside the PTP

Vehicle-Equivalent Days equals the sum, over the five weekdays, of the Vehicle Equivalent assigned to the commute mode used by each employee each day of a Survey Week. For example, an employee who starts work during the PTP and arrives at the worksite each weekday in a single-occupant-vehicle counts as five (5) Vehicle-Equivalent Days. Alternatively, an employee who starts work during the PTP and arrives at the worksite in a two-person carpool two weekdays, rides transit two weekdays, and drives alone one weekday counts as 2.00 Vehicle-Equivalent Days (VEDs) as follows:

Two-person carpool - 0.5 vehicle equivalents x 2 days	=	1.00 VED
Rides transit - zero (0) vehicle equivalents x 2 days	=	0.00 VED
Drives alone - 1.0 vehicle equivalents x 1 day	=	1.00 VED
		2.00 VED

(D) Multi-site AVR Averaging: Employers with multiple worksites filing Consolidated AVR Reports and groups of employers filing Collective AVR Reports shall calculate average AVR as follows:

The weighted AVR average for the multiple worksites is calculated by 1) adding together the "Employee-Days" for each worksite, 2) adding together the "Vehicle-Equivalent Days" for each worksite, then 3) dividing the aggregate "Employee-Days" by the aggregate "Vehicle-Equivalent Days" to obtain the weighted AVR average.

When the multiple worksites are in more than one target area, the AVR Target that the worksites must meet, shall be the weighted average of the AVR Targets for the target areas involved weighted by the number of employees at the involved employers in each target area. The average AVR Target for multiple worksites in more than one target area shall be calculated as follows:

$$\text{Total ED} / [\text{ED}_A / \text{Target}_A + \text{ED}_B / \text{Target}_B + \text{ED}_C / \text{Target}_C]$$

where:

- Target_X = AVR Target for Target Area X
- ED_X = Total Employee-Days at Employers in Target Area X
- Total ED = The total of the Employee-Days at all the involved Employers in all the Target Areas

(E) Vehicle-Equivalent Reduction (VER) for Satellite Worksites:
A Vehicle-Equivalent Reduction will be given to those employers that reduce emissions by the establishment of satellite worksites in closer proximity to employee residences. VER for satellite worksites can be calculated as follows:

$$\text{VER} = (\text{ED}_s / \text{AVR}_a - \text{ED}_s / \text{AVR}_t) (1 - D_s / D_p)$$

where:

- VER = is the total projected reduced Vehicle Equivalents
- ED_s = the number of Employee-Days currently associated with the employer's primary worksite that will be transferred to a satellite worksite
- AVR_a = the AVR level the employees to be transferred to the satellite are currently achieving
- AVR_t = the AVR Target for the primary worksite
- D_s = the average commute distance between the satellite worksite and the residences of the employees to be transferred
- D_p = the average commute distance to the primary worksite of the employees transferred to the satellite worksite

The resulting reduction in Vehicle Equivalents can be used as a VER credit that is subtracted from the Vehicle-Equivalent Days in calculating AVR according to the following equation:

$$\text{AVR} = [\text{ED} / (\text{VED} - \text{VER})]$$

where:

- ED = is the total number of Employee-Days, including the number of Employee-Days transferred to the satellite worksite
- VED = the total Vehicle-Equivalent Days for both the primary and satellite worksites

For example, an employer that employs 1,000 employees at a Centre City Planning Area (CCPA) worksite may wish to establish a

satellite worksite where 200 employees will work rather than at the CCPA worksite. The AVR level the 200 employees are currently achieving at the primary worksite is 1.4 and the AVR Target for the primary worksite is 1.5. The average commute distance to the primary worksite for these 200 employees is 25 miles, but would be reduced to five miles for the satellite worksite. The trip reduction credit would be calculated as follows:

$$VER = (200 \times 5 / 1.4 - 200 \times 5 / 1.5)(1 - 5/25) = 38 \text{ Vehicle Equivalents Reduced}$$

Then, assuming that for each day of the five-day survey week, the 1,000 employees arrive during the PTP in the equivalent of 750 vehicles, the AVR for the primary worksite would be calculated as follows:

$$ED = 1000 \times 5 = 5000$$

$$VED = 750 \times 5 = 3750$$

$$AVR = 5000 ED / (3750 VED - 38 VER) = 1.35$$

(2) REQUIRED ACTIONS

(i) **New Hire Orientation Program.** Employers shall provide all new hires with a commute alternatives information packet. To assist employers in preparing commute alternative information packets, Transportation Management Associations, Commuter Computer, and the Transportation Demand Management (TDM) Program Administrator will have information about commute alternatives. The new hire information packet shall include but not be limited to information about the following topics, as appropriate to the specific worksite:

- o Alternative Transportation incentives offered to employees by the employer
- o Alternative Work Hour programs offered to employees by the employer
- o Onsite amenities and information resources
- o Air quality, traffic congestion, commute costs, and other conditions that necessitate TDM strategies.
- o Carpool matching services
- o Bus, trolley and rail service to the worksite vicinity
- o Bicycle facilities including bicycle routes, lockers, racks, showers and dressing areas in the worksite vicinity
- o New Hire Transportation Survey

(ii) **Employee Transportation Demand Management (TDM) Information.** Each employer shall develop and maintain employee TDM information that provides all employees with current information regarding commute options and rideshare services available to them. Such information shall be accessible and available at each worksite. Employers may simply establish a centrally located bulletin board or kiosk for display of information. As an alternative, electronic bulletin boards, company newsletters, and other communication delivery methods may be used.

Employee TDM information shall include but not be limited to the following items, as appropriate to the specific worksite:

- o List of Alternative Transportation incentives offered to employees
- o List of Alternative Work Hour programs offered to employees
- o Alternative Transportation promotional material
- o Information on carpool matching services
- o Space for carpool and vanpool riders-wanted advertisements
- o Transit pass information
- o Information about bus, trolley, and rail service to the worksite vicinity
- o Information about bicycle facilities, including bicycle routes, lockers, racks, showers and dressing areas in the worksite vicinity

A program for updating the employee TDM information shall also be provided. The Employee Transportation Coordinator (ETC) is suggested as the appropriate person to maintain the system.

(iii) **Employee Transportation Coordinator (ETC).** Each employer shall designate an ETC for each worksite to serve as a liaison between the implementing agencies, the employer, and between the employer and its employees. An employer with multiple worksites may designate one ETC for all the worksites.

(3) REPORTING REQUIREMENTS

(i) Each employer shall file an annual AVR Report with the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(ii) AVR Reports shall be submitted according to the filing schedule established by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(iii) Late AVR Reports are subject to penalties as stated in Section (g) of this Rule.

(iv) An employer may choose to file a consolidated AVR Report for all its worksites, or participate in a collective AVR Report, provided the data are shown separately by worksite.

(v) AVR Survey Method

(A) To file an AVR Report, employers shall collect necessary data by a written survey of all subject employees. For employers with 1,000 or more employees at a worksite, statistically accurate random sampling survey methodology may be approved by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. Where a random sample of the

employees are surveyed, the sample size shall be large enough to achieve statistically significant confidence levels for the employer as a whole.

(B) The required standard survey form will be made available by Commuter Computer upon request. Employers shall collect the completed survey forms. Employers shall submit the original employee survey forms, together with an AVR Report Form for each worksite, to the Air Pollution Control Officer or the applicable delegated TDM Program Administrator for processing. If the employer elects to utilize the services of Commuter Computer to process the employee survey forms, the original survey forms shall be submitted to Commuter Computer for processing, and the survey forms need not be submitted with the AVR Report to the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(C) AVR Reports shall include survey responses from at least 75% of the employees reporting to each worksite during the PTP. An employer that does not achieve at least a 75% survey response rate from employees reporting to the worksite during the PTP may resurvey those employees who did not respond, in order to achieve at least a 75% survey response rate. Otherwise, nonrespondents below the required 75% response rate will be counted as single occupant vehicles.

(D) The survey shall cover a typical five-consecutive-weekday period, representative of typical worksite employee activities, that does not include a holiday or border a holiday weekend. For example, neither the week preceding nor the week following Labor Day weekend shall be considered a typical week.

(vi) AVR Report Contents

(A) The AVR Report shall include the completed AVR Report Form. The AVR Report Form shall indicate the total number of employees at the worksite, the number of employees scheduled to report to the worksite during the PTP (documented in a manner satisfactory to the Air Pollution Control Officer or delegated TDM Program Administrator, such as an employee roster which includes work schedules, or an employee handbook, company policy manual, or collective bargaining agreement which establishes work schedules for employees or groups of employees), and the number of completed surveys returned for employees reporting to the worksite during the PTP. The AVR Report shall include all original employee survey forms, unless the employer utilizes the services of Commuter Computer to process the survey forms, in which case the original survey forms shall be submitted to Commuter Computer.

(B) The AVR Report shall show arrival times and commute travel modes for each employee who reports to the worksite during the PTP and the calculation of AVR for each worksite.

(C) The employer shall include the completed Employer Ridesharing Incentives Survey Form in the AVR Report. This survey assists the employer and the Air Pollution Control Officer or the applicable delegated TDM Program Administrator in determining which TDM Actions are proving to be the most successful.

(vii) Consolidated AVR Reports

(A) An employer may file a Consolidated AVR Report for its multiple worksites, provided that each worksite is represented and described separately.

(B) AVR Report Forms are required for each worksite included in a Consolidated AVR Report.

(C) Worksite Summary Forms are required for Consolidated AVR Reports.

(D) For Employers filing a Consolidated AVR Report that meets the Weighted Average AVR Target, each worksite that has failed to meet its individual AVR Target is not required to submit a TDM Plan.

(E) If the Consolidated AVR Report fails to meet the Weighted Average AVR Target, then each worksite that has individually failed to meet its AVR Target shall be required to submit a TDM Plan.

(viii) Collective AVR Reports

(A) A group of employers may file a Collective AVR Report in a collective effort through a Transportation Management Association/Organization (TMA/TMO). Each employer and each employer's worksites shall be surveyed separately. An employer in the group that has additional worksites outside the geographical area of the TMA/TMO may include those worksites in the Collective AVR Report.

(B) AVR Report Forms are required for each worksite included in a Collective AVR Report.

(C) Worksite Summary Forms are required for Collective AVR Reports.

(D) If a group of employers within a TMA/TMO collectively meet the Weighted Average AVR Target, then each worksite that has failed to meet its individual AVR Target is not required to submit a TDM Plan.

(E) If the Collective AVR Report fails to meet the Weighted Average AVR Target, then each worksite that has individually failed to meet its AVR Target shall be required to submit a TDM Plan.

(ix) Filing Schedule

(A) AVR Report due dates shall be established by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. An employer may petition the Air Pollution Control Officer or the applicable delegated TDM Program Administrator to revise the due date applicable to a worksite for good cause.

(B) Employers will be notified at least 90 days in advance by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator that an AVR Report is due. Extensions of the due date may be granted for good cause by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator up to 45 days upon written request.

(C) An employer subject to this Rule that does not receive official notification from the Air Pollution Control Officer or the applicable delegated TDM Program Administrator that an AVR Report is due shall submit its first annual AVR Report no later than March 31, 1996.

(D) Employers with worksites having different due dates may consolidate into a single due date. The Consolidated AVR Report shall be due upon the earliest due date for the worksites to be included in the Consolidated AVR Report.

(E) A Collective AVR Report filed by employers through a TMA/TMO shall be due upon the earliest due date for the worksites to be included in the Collective AVR Report.

(F) A TMA/TMO may divide the employer worksites it represents into groups to facilitate surveying and reporting. Each group may have a Collective AVR Report and a separate due date. Each group's Collective AVR Report shall be due upon the earliest due date for the worksites to be included. The grouping of worksites by a TMA/TMO cannot be modified except as approved by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(G) If an employer is filing an AVR Report through a TMA/TMO, but not in a collective effort with other employers, then the AVR Report shall be due upon the employer's due date established by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(x) The employer's AVR may be recalculated and verified by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. The employer will be notified if a TDM Plan is required as a result.

(4) TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN REQUIREMENTS

(i) An employer that fails to achieve its AVR Target in FY-96, shall develop, file, and implement a TDM Plan that convincingly demonstrates attainment of the AVR Target by the end of FY-98.

(ii) The TDM Plan shall be submitted to the Air Pollution Control Officer or the applicable delegated TDM Program Administrator within 90 days after the date of receipt of notification from the Air Pollution Control Officer or the applicable delegated TDM Program Administrator of the employer's failure to achieve the AVR Target. Extensions of the due date may be granted for good cause by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator up to 45 days upon written request. However, in no case shall the due date be later than the end of FY-96.

(iii) An employer may choose to consolidate required TDM Plans for more than one worksite under this requirement.

(iv) Employer TDM Plans shall be specific for single worksites. Consolidated TDM Plans shall address each worksite individually.

(v) Late employer TDM Plans are subject to penalties as stated in Section (g) of this Rule.

(vi) **TDM Plan Contents.** An employer TDM Plan shall include the following:

(A) Listing and description of existing TDM Actions in place at the worksite.

(B) Evaluation of why the existing measures did not succeed in achieving the AVR Target.

(C) Statement of which existing TDM Actions will be maintained, which will be enhanced, and which will be discontinued and why.

(D) Listing and description of new TDM Actions that will be implemented at the worksite, which may include but are not limited to those listed in the Menu of TDM Actions [Subsection (d)(4)(viii)].

(E) Implementation schedule for new and enhanced TDM Actions.

(vii) **TDM Plan Review/Implementation.**

(A) Employer TDM Plans shall be reviewed by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator to ensure the plan is complete and workable and is likely to achieve the applicable AVR Target by the end of FY-98.

(B) In cases in which an employer submits a consolidated employer TDM Plan for multiple worksites, each worksite will be reviewed individually.

(C) Employer TDM Plans shall be implemented within 30 days of approval by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. Extensions of the implementation date may be granted for good cause by the Air Pollution Control Officer or the applicable delegated TDM Program Administrator upon written request.

(D) Rejected TDM Plans shall be revised and resubmitted within 30 days of notification. After notification, failure to submit an acceptable plan within 30 days will subject the employer to penalties as stated in Section (g) of this Rule.

(E) The provisions of any approved TDM Plan shall continue in effect until superseded by a subsequent TDM Plan that convincingly demonstrates attainment of the AVR Target by the end of FY-98, subject to the approval of the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(F) If an employer meets its applicable AVR Target, the TDM Plan may be amended to delete any measures not yet implemented, subject to the approval of the Air Pollution Control Officer or the applicable delegated TDM Program Administrator.

(viii) Menu of Transportation Demand Management (TDM) Actions

(A) Purpose. The following menu provides a variety of Transportation Demand Management Actions that an employer may choose to implement to help achieve its AVR Target. An employer is not limited to the actions listed here.

(B) Alternative Work Hour Programs.

(1) Compressed work week schedule

(i) Three 12-hour weekdays with two weekdays off (3/36)

(ii) Four 10-hour weekdays with one weekday off (4/40)

(iii) Eight 9-hour weekdays, one 8-hour weekday and one weekday off every two weeks (9/80)

(2) Flextime available to employees who rideshare

(C) Transportation Management Association/Organization Membership.

(D) General Incentives.

(1) "Guaranteed ride home" program for employees who rideshare

(2) Transportation allowance in lieu of parking or transit subsidies

(3) Awards/recognition/bonus to employees who use alternative commute modes

(4) Provide fleet vehicles for ridesharers

(5) Provide rental vehicles (hourly basis) for personal business

(6) Provide shuttle service to retail and/or transit centers

(E) Transit.

(1) Transit pass sales at worksite

(2) Subsidized passes

(3) "Occasional-use" parking permits for regular transit users

(F) Carpool.

(1) Parking subsidy for carpoolers

(2) Maintain current carpool matching list

(3) Carpool bulletin board

(4) Provide company vehicles

(G) Vanpool/Buspool.

- (1) Provide company vehicles
- (2) Subsidize private vehicles
- (3) Subsidize vanpool passenger fares

(H) Bicycling.

- (1) Provide Bicycle Incentive Allowance
- (2) Bike lockers at worksite
- (3) Shower/locker facilities
- (4) Improve bike access to worksite

(I) Walking.

- (1) Provide Walking Incentive Allowance
- (2) Shower/locker facilities
- (3) Improve pedestrian access to worksite

(J) Telecommuting.

- (1) Provide telecommuting program and policy
- (2) Provide company computers
- (3) Subsidize private computers

(K) Onsite Amenities.

- (1) Child-care
- (2) Post office
- (3) Banking services
- (4) Cafeteria/deli/restaurant
- (5) Fleet vehicles for employees' use during workday
- (6) Commuter Lounge for waiting/connecting

(L) Parking Management Strategies.

- (1) Preferential parking for carpools and vanpools

(2) Implement paid parking on the worksite with proceeds to fund Alternative Commute Mode incentives

(3) Limit the availability of all-day on the worksite parking for single-occupant vehicles

(4) Provide reduced parking pricing for carpools and vanpools

(M) Vehicle Miles Traveled (VMT) Reduction Strategies

(1) Reduced employer commute VMT through use of satellite worksites

(e) **INSTITUTIONAL STRUCTURE**

(1) **PROGRAM SUMMARY**

Groups of delegated cities desiring to implement and enforce the same trip reduction ordinance would administer the program under Joint-Powers Authority (JPA) agreements. An example would be to use the boundaries of the existing transit districts as the boundaries for two JPAs, which could then use the members of the existing Metropolitan Transit Development Board and North County Transit District Boards as their governing boards. Alternatively, a JPA could involve only two or three cities.

If a city or the county did not wish to join a JPA they would have the option of seeking delegation from the Air Pollution Control District to run their own program or the Air Pollution Control District would administer and enforce the program within their jurisdiction.

Subregional implementation should allow cities to combine resources and provide more uniform administration than implementation by individual cities.

(2) **PARTICIPANTS**

(i) **Air Pollution Control Board**

(A) Composition

County Board of Supervisors (as designated by state law).

(B) Functions

(1) Adopts regulations implementing the program.

(2) Delegates implementation of the trip reduction regulation to cities/county if an implementation plan (that could reflect a JPA) is submitted which provides adequate resources to adopt and enforce the measure; the implementation plan is approved; and, the delegated entity adopts and implements a program with requirements identical to those in the regulation adopted by the Air Pollution Control District.

The Air Pollution Control District may revoke a delegation if it determines that the performance of the delegated entity is inconsistent with the previous provisions or otherwise inadequate to implement the trip reduction regulation adopted by the Air Pollution Control District.

(3) Appoints members of the Regional Hearing Board from nominations provided by delegated local and subregional entities and by the Air Pollution Control District on behalf of non-delegated agencies.

(ii) **Air Pollution Control District**

(A) Composition

Air Pollution Control Officer and staff

(B) Functions

(1) Prepares regulations for adoption by the Air Pollution Control Board.

(2) Audits delegated JPA's, cities or the county. The purpose of the audit is to assure the requirements for delegation are met.

(3) Administers the program in cities/county that have not requested or received delegation, or in which delegation has been revoked.

(4) Staffs the Regional Coordinating Committee and identifies needed changes in the regional regulations for referral to the Regional Coordinating Committee and Air Pollution Control Board.

(iii) **JPA Governing Boards**

(A) Composition

The JPA governing boards would be composed of elected officials.

(B) Functions

(1) The governing boards of the JPAs would administer the program for member cities. This would include the establishment of a budget, guidelines and policies to provide for and direct the staff in the application and enforcement of the trip reduction regulation in the conformance with provisions of delegation.

(2) Each JPA governing board would designate members to serve on the Regional Coordinating Committee. Each governing board would appoint its own technical committee, and provide nominations for the Regional Hearing Board.

(3) The JPA governing boards could serve to foster communications between cities and the Air Pollution Control Board, however this should in no way inhibit or restrict direct communications between individual cities and the Air Pollution Control Board.

(4) The JPA board would identify needed changes in the regional regulation for referral to the Air Pollution Control Board and the Regional Coordinating Committee.

(iv) Regional Coordinating Committee

(A) Composition

(1) The Regional Coordinating Committee would consist of seven elected officials from implementing entities, and no more than two from non-delegated agencies. The implementing agencies shall determine the membership of the Committee in case of disputes.

(2) The Air Pollution Control District would staff the Regional Coordinating Committee.

(B) Functions

(1) The Regional Coordinating Committee would address and develop solutions to any significant inconsistencies in application and enforcement of the regulation between implementing entities. Solutions requiring regulatory changes will require Air Pollution Control Board action. Administrative solutions would be implemented through the local and subregional entities, and the Air Pollution Control District.

(2) The Regional Coordinating Committee would review all trip reduction regulation related items to be considered by Air Pollution Control Board.

(3) The Regional Coordinating Committee would provide a recommendation on all the Air Pollution Control District items docketed for Air Pollution Control Board consideration concerning the trip reduction regulation.

(v) JPA Technical Committee (One in each JPA)

(A) Composition

SANDAG, CALTRANS, transit operators, city staffs, TMAs, employers and interest groups.

(B) Functions

The Technical Committee would be advisory to the JPA Governing Board in the implementation of program regulations.

(vi) Regional Hearing Board

(A) Composition

A Regional Hearing Board will be established as specified by state law (including a doctor, a lawyer and an engineer, as well as two public members). The intent will be to maintain a balanced representation of community perspectives in the appointment of members to the Regional Hearing Board. Regional Hearing Board members will be nominated by delegated local and subregional entities and by the Air Pollution Control District on behalf of the non-delegated agencies, and then be appointed by the Air Pollution Control

Board. The list of nominees should be larger than the number of Regional Hearing Board positions available.

The legal counsel to and clerk functions for the Regional Hearing Board are to be provided by County Counsel and the Clerk of the Air Pollution Control Board, who are familiar with procedures and related law. Staff of the delegated local and subregional entities or the Air Pollution Control District will review items on the Regional Hearing Board agenda within their geographic area of responsibility, make recommendations and present those recommendations before the Regional Hearing Board.

(B) Functions

The Regional Hearing Board would provide final resolution of actions regarding application of the provisions of the TDM regulation. Judicial review of Regional Hearing Board decisions would be handled as provided in state law (petition to superior court).

(vii) Staffing

The affected JPA would provide staff to address matters before the Regional Hearing Board, and would provide staff for the technical committees and the JPA Governing Boards. This staffing could consist of personnel employed by the JPA, or could be contributed by member agencies and the county. Air Pollution Control District would provide staff for the Regional Coordinating Committee.

(f) DELEGATION OF PROGRAM

(1) A city or county may request the Air Pollution Control Board to delegate authority for the implementation and operation of an employer-based trip reduction program, as allowed under California Health and Safety Code, Division 26, Part 3, Chapter 6, Subsection 40717(e). Requests for such delegation of authority must be received on or before December 1, 1994, or December 1 of the fiscal year preceding the year in which the city or county wishes to implement its own program, whichever is later. Approval of such a request may be granted by the Air Pollution Control Board upon condition that:

(i) The city or county adopts and submits to the District a local employer-based trip reduction ordinance with requirements identical to those in this Rule.

(ii) The city or county submits to the District an implementation plan for the employer-based trip reduction program which provides adequate resources to implement, monitor, and enforce the provisions of the city's or county's employer-based trip reduction ordinance.

(iii) An employer with multiple worksites which are located within the jurisdictions of more than one implementing agency may elect to report to the Air Pollution Control District instead of reporting to more than one implementing agency.

(2) The Air Pollution Control Board may revoke a delegation under this Rule if it determines that the performance of the delegated local agency is inadequate to implement this Rule.

(g) ENFORCEMENT

An employer that fails to file an annual AVR Report or TDM Plan when due shall be in violation of this Rule. Each day in which the employer fails to file the AVR Report or TDM Plan, following the date when due, shall constitute a separate and additional violation of this Rule. An employer that fails to achieve its AVR Target and fails to implement its TDM Plan is in violation of this Rule. Violation of this provision shall subject the employer to the penalties established by law. [See especially Health & Safety Code Section 42402.] If an employer complies with all provisions of this Rule, but fails to meet its AVR Target, such failure is not a violation of this Rule.

(h) AUDITING AND RECORDKEEPING

(1) All employers subject to this Rule and all employers subject to a delegated local trip reduction ordinance approved by the Air Pollution Control Board under Section (f) of this Rule, are subject to random onsite audits to verify compliance with this Rule by the Air Pollution Control Officer, and by the delegated implementing agency, if applicable. The Air Pollution Control Officer or the applicable delegated TDM Program Administrator may require an employer to provide such information as is necessary to verify employment data, AVR, and implementation of required actions. An employer shall compile and retain for a period of three years all records reasonably necessary to document employee population, employee travel surveys, vehicle counts, carpool and vanpool subsidies, transit pass sales and subsidies, parking policies and revenues, and the marketing of and participation in incentive programs. Records for the most recent two years shall be kept at the worksite or with the Employee Transportation Coordinator (ETC). Records for the third year may be kept at any other convenient location within San Diego County, provided they are accessible to the Air Pollution Control Officer.

(2) The District shall verify that a city or county which is delegated authority under Section (f) of this Rule for the implementation and operation of a local trip reduction program has implemented measures to ensure compliance with this Rule. A city or county which is delegated authority under Section (f) of this Rule, for the implementation and operation of a local trip reduction program is subject to random onsite audit to verify compliance with this Rule. The Air Pollution Control Officer may require a city or county to provide such information as is necessary to verify the adequacy of municipal monitoring and enforcement efforts, resources, employer coverage and employment data, progress toward achieving required AVR levels, program implementation, or the performance of specific employers. A city or county that has been delegated authority under this Rule, shall compile and retain for a period of five years all records relative to municipal monitoring and enforcement actions, employer coverage, employee population, employee travel surveys, vehicle counts, the implementation and success of employer trip reduction actions, and other evidence of the effectiveness of the city's or county's trip reduction ordinance.

(i) SUNSET CLAUSE

This Rule shall become inoperative, and any delegation under Section (f) shall be rescinded immediately upon notice to the San Diego Air Pollution Control District from the federal Environmental Protection Agency of either of the following:

(1) The federal Environmental Protection Agency disapproves this Rule, or

(2) The federal Environmental Protection Agency reclassifies the San Diego ozone nonattainment area from Severe to Serious.

2. Proposed amendments to Rule 25, a new Section (c) is added and existing Sections are relettered to read as follows:

RULE 25. APPEALS

(a) Within 10 days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an Authority to Construct, Permit to Operate, Permit to Sell or Rent, or renewal of a Permit to Operate with new or modified conditions, or Certificate of Emission Reduction Credit, the applicant may petition the Hearing Board, in writing, for a public hearing. Such request shall state with reasonable particularity the grounds therefor and shall be signed under penalty of perjury. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer. Such order may be made subject to specified conditions.

(b) Within 10 days of any decision or action pertaining to the issuance of an Authority to Construct, Permit to Operate, temporary authorization, Permit to Sell or Rent, or renewal of a Permit to Operate with new or modified conditions, an aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in connection with the issuance of the Authority to Construct or permit or temporary authorization, may request the Hearing Board to determine whether the Authority to Construct or permit or temporary authorization was properly issued. A request to the Hearing Board shall be made by filing of a petition in accordance with the Rules and Regulations of the Hearing Board and payment of fees. The request shall state with reasonable particularity the grounds therefor and shall be signed under penalty of perjury. A copy of such request shall be served on the holder of the Authority to Construct or permit or temporary authorization and the Air Pollution Control Officer no later than the day the request is filed with the Hearing Board. Within 30 days of the request, the Hearing Board shall hold a noticed public hearing and render a decision on whether the Authority to Construct or permit or temporary authorization was properly issued in accordance with District Rules and Regulations.

(c) Within 10 days after notice by the Air Pollution Control Officer or the applicable delegated Transportation Demand Management (TDM) Program Administrator of a decision on an Average Vehicle Ridership (AVR) Report or a TDM Plan, the applicant may petition the Regional Hearing Board for the TDM Program, in writing, for a public hearing. Such request shall state with reasonable particularity the grounds therefore and shall be signed under penalty of perjury. The Regional Hearing Board for the TDM Program, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer or the applicable delegated TDM Program Administrator. Such order may be made subject to specified conditions.

(e) (d) (1) An aggrieved person who has filed a petition pursuant to Section (b) of this Rule may request the Hearing Board to stay the effect of the Authority to Construct or permit or temporary authorization, pending a decision of the Hearing Board on the petition. Any such request shall be in writing, shall state with reasonable particularity the grounds in support of the request and shall be signed under penalty of perjury. A copy of the Petition and request for stay shall be served personally on the holder of the Authority to Construct or permit or temporary authorization and the Air Pollution Control Officer on the same day the request for stay is filed with the Hearing Board, but prior to the time the request is filed with the Hearing Board; provided, however, that service of the request on a holder of an Authority to Construct or permit or temporary authorization who does not maintain a fixed place of business within the District may be accomplished by mail. Proof of service on the holder of an Authority to Construct or permit or temporary authorization must accompany any request for a stay at the time such request is filed with the Hearing Board.

(2) A request for stay served and filed pursuant to Subsection (1) of Section (e) ~~(d)~~ shall be heard, notice requirements permitting, at the next meeting of the Hearing Board at which time the Hearing Board shall determine whether the Authority to Construct or permit or temporary authorization should be stayed until the final decision of the Hearing Board on the propriety of the issuance of the permit is rendered. If the notice requirements cannot be met for the next meeting of the Hearing Board, the stay request shall be heard at the following meeting of the Hearing Board. The person requesting the stay, the holder of the Authority to Construct or permit or temporary authorization, and the Air Pollution Control Officer shall be given an opportunity to present evidence and arguments on the request for stay.

A request for stay shall have priority over other matters on the Hearing Board calendar.

(3) The Hearing Board shall stay the effect of an Authority to Construct or permit or temporary authorization pending final decision by the Hearing Board only if the Hearing Board finds that denial of the stay would likely result in the great or irreparable injury to an aggrieved person or the public. The decision of the Hearing Board on the stay shall be served by the Clerk of the Hearing Board immediately on all parties and the Air Pollution Control Officer.

~~(d)~~ ~~(e)~~ With respect to an Authority to Construct or permit or temporary authorization for a modification of an existing permitted operation, any appeal or stay provided for in this Rule shall apply only to the modification and not to the existing operation.

~~(e)~~ ~~(f)~~ Not later than 3 ~~three~~ business days after receipt by the Air Pollution Control Officer of an appeal pursuant to Section (b) of this Rule or a request for stay pursuant to Section ~~(e)~~ ~~(d)~~ of this Rule, the Air Pollution Control Officer or his designee shall attempt to schedule a meeting with the appellant and the permit holder to resolve the issues identified in the appeal or request for stay. If there is a resolution of the issues by the parties, the matter before the Hearing Board shall be withdrawn or dismissed. If all the issues are not resolved at the meeting, the District shall file a report with the Hearing Board detailing the resolved and unresolved issues and the District position on the unresolved issues.

3. Proposed amendments to Rule 132, Section (b) are to read as follows:

RULE 132. TRAFFIC ABATEMENT PLAN

(a) The Traffic Abatement Plan shall be in two parts: Abatement plans prepared by the operators of the facilities or operations, pursuant to Subdivision (c) and an abatement plan for other operations prepared by the Air Pollution Control Officer.

(b) Facilities or operations subject to traffic abatement measures (in order to prevent an episode) include the following:

- (1) Facilities with 1,000 or more parking spaces, including shopping centers.
- (2) Operations with 50 or more fleet vehicles in San Diego County.

(3) Governmental agencies employing more than 100 persons per shift at one business address. However, such facilities shall be exempt from this Rule during such time as Rule 1301 is in effect.

(4) Industrial or commercial businesses employing more than 100 persons per shift at one business address. However, such facilities shall be exempt from this Rule during such time as Rule 1301 is in effect.

IT IS FURTHER RESOLVED AND ORDERED that the subject addition of Regulation XIII and amendments to Rules 25 and 132 shall take effect on July 1, 1995.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this _____ day of _____, 199____ by the following votes:

AYES:

NOES:

ABSENT: